

OGC Has Reviewed

25 JAN 1980

MEMORANDUM FOR: General Counsel

STATINTL ATTENTION:

FROM: James H. McDonald  
Director of Logistics

SUBJECT: SSCI Response on Title IV

REFERENCE: Memo for GC fm D/L dtd 12 Sep 79,  
same subj (OL 9 3518a)

1. The referenced memo expressed concern over the impact that the proposed deletion of Section 422(c) would have on procurement activities. Due to the importance of these activities, we requested, in the referenced memo, that Section 422(c) be reinstated verbatim.

STATINTL 2. We have recently noted that the Agency is not specifically authorized to incrementally fund contracts for supplies and services and for research and development. We now request that the proposed legislation be modified to include the specific authority to incrementally fund contracts. The recommended language is noted in italics on the attachment. The attachment is an amended copy of page 20, Section 422(c), of the annotated draft of August 15, 1979, delivered  from the U.S. Senate via memo #9505.

ILLEGIB 3. We would appreciate a response to the request of 12 September 1979 to reinstate Section 422(c), along with a response to the request of paragraph 2 above.

Att

/s/ James H. McDonald

James H. McDonald

OL 0 0368

STATINTL

Approved For Release 2002/05/29 : CIA-RDP85-00759R000100120002-1

Approved For Release 2002/05/29 : CIA-RDP85-00759R000100120002-1

12 SEP 1979

MEMORANDUM FOR: General Counsel

STATINTL ATTENTION:

FROM: James H. McDonald  
Director of Logistics

SUBJECT: SSCI Response on Title IV

REFERENCE: Mult adsee memo fm AGC dtd 20 Aug 79,  
same subject (OGC 79-07659; OL 9 3518)

1. As requested in referent memorandum, we have reviewed the SSCI staff changes to Title IV (draft) and can, by and large, accept them without comment. However, the deletion of Section 422(c), which basically authorizes our covert procurement activities, gives us some concern. We do not consider Section 422(c) to be redundant to any other section or subsection of Title IV (draft) and request that it be reinstated verbatim.

2. We would appreciate a definitive response to this request.

/s/ James H. McDonald

James H. McDonald

Distribution:

Orig - Adsee  
✓ 1 - OL/P&PS Official  
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STATINTL OL/P&PS/ (10 Sept 1979)  
Retyped: [redacted] (10 Sept 1979)

OL 9 3518(a)

STATINTL

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Next 3 Page(s) In Document Exempt

Approved For Release 2002/05/29 : CIA-RDP85-00759R000100120002-1



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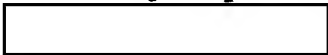
OGC 79-07659  
20 August 1979

MEMORANDUM FOR: Deputy Director for Administration  
Deputy Director for Operations  
Deputy Director for National Foreign  
Assessment  
Deputy Director for Science and Technology  
Deputy to the DCI for Resource Management  
Deputy to the DCI for Collection Tasking

STATINTL

FROM :   
Assistant General Counsel

SUBJECT : SSCI Response on Title IV

Attached, for your information and review, is the most recent correspondence from the Senate Intelligence Committee staff responding to our latest revision of Title IV. There are still a few rough spots but overall, I believe we have made significant progress during the past several months in the development of a charter that will best serve the needs of this Agency. Please direct any comments you may have to  this office.

STATINTL

STATINTL



Attachment

cc: General Counsel  
C/GLD  
C/O&MD  
C/FOIA  
C/L&PLD

OL 9 3518

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EARL D. EISENHOWER, MINORITY STAFF DIRECTOR

United States Senate

SELECT COMMITTEE ON INTELLIGENCE

(PURSUANT TO S. RES. 409, 94TH CONGRESS)

WASHINGTON, D.C. 20510

August 15, 1979

IN REPLY PLEASE  
REFER TO Q# 9505

STATINTL

Office of the General Counsel  
Central Intelligence Agency  
Washington, D.C.

Dear George:

We have gone through your Title IV draft which included many improvements. I am enclosing an annotated copy of your draft. The reason behind most of the changes are self-explanatory. However, a few comments might be helpful.

Sec. 401(2): The activities of the CIA should be regarded as necessary, not important. This is not a standard but a statement of purpose.

Sec. 401(4): It should be made clear that one of the main purposes of the CIA charter is accountability.

Sec. 412(a): Changes here make clear that any person can be the head of the CIA. Any person appointed head of the Agency must be confirmed as such. If the DNI or Deputy DNI is to be head of the CIA, he could be confirmed in both offices simultaneously.

Sec. 413: Most of the general counsel section has been moved to title I.

Sec. 414: Among other things the authority of the CIA within the U.S. has been clarified in conformity with Title V, the FBI charter.

Sec. 421: Because subsection (k) says that the provisions of subsection (a)-(e) and (i) are available notwithstanding other laws, redundant language has been eliminated.

Sec. 421(b): The exemption from the Privacy Act and FOIA will have to be reviewed by the Senators before a final decision. If this is acceptable to them, the

STATINTL

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[REDACTED]  
August 15, 1979

Page Two

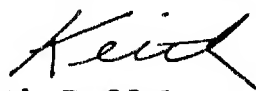
Privacy Act's exemption of CIA will be eliminated in a conforming amendment.

Sec. 431(b): It is not necessary to give the Agency authority to provide paid domestic travel expenses because it is already provided in Title V of the U.S. Code.

Sec. 443(b): The Committee is drafting a criminal statute which will apply penalties only to those who have had authorized access to information and have agreed to protect its confidentiality.

Bill Miller, John Elliff, and I look forward to seeing you to discuss these matters.

Yours sincerely,



Keith Raffel  
Counsel

enclosure (1)

TITLE IV -- CIA

Q 9354  
C12

TITLE IV -- CENTRAL INTELLIGENCE AGENCY

PART A

PURPOSES

STATEMENT OF PURPOSES

Sec. 401. It is the purpose of this title --

(1) to clarify the statutory authorities, functions, and responsibilities of the Central Intelligence Agency;

(2) to authorize the Central Intelligence Agency to perform intelligence activities that are <sup>necessary</sup> ~~important~~ for the conduct of the foreign relations and the protection of the national security of the United States;

(3) to ensure that the intelligence activities of the Central Intelligence Agency are properly and effectively directed, regulated, coordinated, and administered; and

(4) to ensure that ~~the activities~~ of the Central Intelligence Agency are conducted in a manner consistent with the Constitution and laws of the United States.

(52) *is accountable to the President, the Congress, and the people of the United States, and that its activities*

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PART B

ESTABLISHMENT OF AGENCY; DIRECTOR; DEPUTY DIRECTOR;  
GENERAL COUNSEL; INSPECTOR GENERAL; FUNCTIONS

ESTABLISHMENT OF CENTRAL INTELLIGENCE AGENCY

411  
Sec. 402. There is established in the Executive branch of the Government an independent establishment to be known as the Central Intelligence Agency (hereinafter in this title referred to as "the Agency"), which shall perform its functions under the direction of the National Security Council and subject to intelligence plans, objectives, and requirements established by the Director of National Intelligence.

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who shall be  
Appointed by the  
President, with the  
Advice and Consent  
of the Senate.

DUTIES OF DIRECTOR AND DEPUTY DIRECTOR

4/2  
Sec 403. (a) There shall be at the head of the Agency  
a Director of the Central Intelligence Agency (hereinafter in  
this title referred to as the "Director of the Agency"). The  
Director of National Intelligence, or, if authorized by the  
President in accordance with this Act, the Deputy Director  
of National Intelligence or an Assistant Director of National  
Intelligence, <sup>MAY</sup> shall serve as the Director of the Agency, <sup>provided that</sup>  
[Note: There should be an addition to section 702(b) of the <sup>of such pers.</sup>  
Act, amending 5 U.S.C. 5313 to include the D/CIA at Level II <sup>AS Director</sup>  
of the Executive Pay Schedule] <sup>receives the</sup>  
<sup>Advice and</sup>  
<sup>Consent of</sup>  
<sup>the SENATE</sup>

(b) There shall be a Deputy Director of the Central  
Intelligence Agency (hereinafter in this title referred to as  
the "Deputy Director") who shall be appointed by the President,  
with the advice and consent of the Senate, and who shall assist  
in carrying out the functions of the Director of the Agency and  
who shall exercise all the duties of the Director of the Agency in  
the absence of the Director of the Agency. [Note: There should be an  
addition to section 702(c) of the Act, amending 5 U.S.C. 5314 to  
include the DD/CIA at Level III of the Executive Pay Schedule]

(c) At no time shall the offices of Director of the Agency  
and Deputy Director be occupied simultaneously by commissioned  
officers of the Armed Forces, whether in an active or retired  
status.

(d)(1) If a commissioned officer of the Armed Forces is appointed as Director of the Agency or Deputy Director, then--

(A) in the performance of the duties of Director of the Agency or Deputy Director, as the case may be, the officer shall be subject to no supervision, control, restriction, or prohibition (military or otherwise) other than would be applicable if that officer were a civilian in no way connected with the Department of Defense, the military departments, or the Armed Forces of the United States or any component thereof; and

(B) that officer shall not possess or exercise any supervision, control, powers, or functions (other than those authorized to that officer as Director of the Agency or Deputy Director) with respect to the Department of Defense, the military departments, or the Armed Forces of the United States or any component thereof, or with respect to any of the personnel (military or civilian) of any of the foregoing.

(2) Except as provided in this section, the appointment to the office of Director of the Agency or Deputy Director of a commissioned officer of the Armed Forces, and acceptance of and service in such an office by that officer, shall in no way affect any status, office, rank, or grade that officer may occupy or hold in the armed forces, or any emolument, perquisite,

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right, privilege, or benefit incident to or arising out of any such status, office, rank, or grade. A commissioned officer shall, while serving in the office of Director of the Agency or Deputy Director, continue to hold rank and grade not lower than that in which that officer was serving at the time of that officer's appointment as Director of the Agency or Deputy Director.

(e) It shall be the duty of the Director of the Agency to--

(1) ensure that the activities of the Agency are conducted in accordance with the provisions of this Act and with the Constitution and laws of the United States;

(2) ensure that the activities of the Agency are properly and efficiently directed, regulated, coordinated, and administered;

(3) perform as Director of the Agency the duties assigned elsewhere in this Act to the head of each entity of the intelligence community;

(4) protect intelligence sources and methods from unauthorized disclosure; and

(5) specify by regulation the order in which senior officials of the Agency may exercise all the duties of the Deputy Director during any temporary absence, disability, or vacancy in that office, *provided that* ~~and~~ such officials are ~~hereby~~ authorized to exercise such duties for a period not to exceed 180 days.



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GENERAL COUNSEL AND INSPECTOR GENERAL

4/3

Sec. 404. (a) There shall be a General Counsel appointed by the President, by and with the advice and consent of the Senate, who shall serve as the principal legal advisor to the Director of National Intelligence and the Director of the Agency and shall have the responsibility and authority to--

- ✓ (1) review Agency activities and activities of the Office of the Director of National Intelligence to determine whether such activities are in conformity with the Constitution and laws of the United States, Executive orders, Presidential directives and memoranda, and the rules, regulations, and policies of the Agency;
- (2) review all rules and regulations of the Agency and of the Office of the Director of National Intelligence, including but not limited to any rule or regulation proposed to implement the provisions of this Act, to ensure that such rules and regulations are in conformity with the Constitution and laws of the United States, Executive orders, and Presidential directives and memoranda;
- (3) perform the same duties with respect to the Agency and the Office of the Director of National Intelligence as the general counsels of all entities of the Intelligence Community are required to perform by other provisions of this Act; and

(4) perform such additional duties as the Director of National Intelligence or the Director of the Agency may prescribe.

(b) In the temporary absence of the General Counsel, the Deputy General Counsel is authorized to exercise all functions of the General Counsel;

(c) There shall be an Inspector General of the Agency appointed by the Director of the Agency. The Inspector General shall have the responsibility and authority to--

(1) investigate all activities of the Agency and of the Office of the Director of National Intelligence to determine in what respects authorized functions may more effectively be performed and to determine the facts and circumstances of any alleged wrongdoing;

(2) advise the Director of National Intelligence, and the Director of the Agency, of findings regarding activities of the Office of the Director of National Intelligence or of the Agency, respectively.

(3) report any indications of possible violations of federal law to the General Counsel;

(4) perform such other investigations as the Director of National Intelligence or the Director of the Agency deem necessary and appropriate, consistent with the provisions of this Act;

(5) perform the same duties with respect to the Agency and the Office of the Director of National Intelligence as the inspectors general of all entities of the Intelligence Community are required to perform by this Act; and

(6) perform such other duties as the Director of National

GENERAL COUNSEL AND INSPECTOR GENERAL

Sec. 413. (a) There shall be a General Counsel appointed by the President, by and with the advice and consent of the Senate, who shall discharge the responsibilities of general counsel under this Act for the Agency and who may, when the Director or Deputy Director of National Intelligence is Director of the Agency, discharge such responsibilities for the Office of the Director of National Intelligence.

(b) There shall be an Inspector General appointed by the Director of the Agency who shall discharge the responsibilities of inspector general under this Act for the Agency and who may discharge such responsibilities for the Office of the Director of National Intelligence.

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## FUNCTIONS

<sup>414.</sup>  
Sec. 405. (a) All activities, duties, and responsibilities of the Agency shall be performed in accordance with this Act.

(b) The Agency shall--

(1) conduct foreign intelligence activities including collection by clandestine means;

(2) conduct special activities;

(3) conduct counterintelligence and counterterrorism intelligence activities outside the United States, and within the United States in coordination with the Federal Bureau of Investigation;

(4) process and analyze data and information collected by any entity of the Intelligence Community as necessary to fulfill its responsibilities under this Act;

(5) produce, publish, and disseminate intelligence to meet the needs of the President the National Security Council, the Director of National Intelligence, and other officials and departments and agencies, including national intelligence estimates and similar analyses coordinated with other entities of the Intelligence Community;

(6) collect information, by other than clandestine means, when it is relevant to any authorized Agency function;

(7) develop, conduct, and provide support for technical and other programs, including signals intelligence activities,

-9-

(8) act as the agent of the Director of National Intelligence in the coordination of counterintelligence activities, counterterrorism intelligence activities, and clandestine collection of foreign intelligence, conducted outside the United States by any other entity of the Intelligence Community;

(9) conduct liaison with and provide assistance to foreign governmental agencies under the direction of the Director of National Intelligence and act as the agent of the Director of National Intelligence in the coordination of such liaison by any other entity of the Intelligence Community;

(10) conduct for the Intelligence Community and as directed by the Director of National Intelligence services of common concern such as monitoring of foreign public radio and television broadcasts and foreign press services, collection of intelligence from cooperating sources in the United States, and acquisition and translation of foreign publications and photographic interpretation;

(11) coordinate the overt collection of intelligence by entities of the Intelligence Community from witting and voluntary sources within the United States;

(12) conduct or contract for research, development, and procurement of systems and devices relating to the Agency's authorized functions;

(13) provide legal, legislative, security,  
inspection, communications, and audit services and other  
support to the Office of the Director of National Intelligence.

### FUNCTIONS

Sec. 414. (a) All activities, duties, and responsibilities of the Agency shall be performed in accordance with this Act.

(b) The Agency shall--

- (1) conduct foreign intelligence activities including collection by clandestine means;
- (2) conduct counterintelligence and counterterrorism intelligence activities including activities by clandestine means;
- (3) conduct special activities;
- (4) process, analyze, produce, publish, and disseminate foreign intelligence and related information to meet the needs of the President, the National Security Counsel, the Director of National Intelligence, and other officials and departments and agencies, including national intelligence estimates and similar analyses coordinated with other entities of the Intelligence Community;
- (5) develop, conduct, and provide support for technical and other programs, including signals intelligence activities and reconnaissance programs, to collect intelligence outside the United States;
- (6) act as the agent of the Director of National Intelligence in the coordination of counterintelligence activities, counterterrorism intelligence activities, and

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clandestine collection of foreign intelligence,  
conducted outside the United States by any other entity  
of the intelligence community;

(7) conduct liaison relationships  
with foreign governmental agencies under the direction  
of the Director of National Intelligence and act as the  
agent of the Director of National Intelligence in the  
coordination of such relationships by any other entity  
of the intelligence community;

(8) conduct services of common concern on behalf  
of the intelligence community as directed by the  
Director of National Intelligence;

(9) conduct or contract for research, development,  
and procurement of systems and devices relating to its  
authorized functions;

(10) perform inspection, audit, public affairs,  
legal, legislative, and other administrative functions  
to support its authorized activities, and provide  
such support to the Office of the Director of National  
Intelligence as directed by the Director of National  
Intelligence; and

(11) perform such additional functions as are  
otherwise authorized by this Act to be performed by  
each entity of the intelligence community.



(c) Within the United States the Agency may collect foreign intelligence by clandestine means only in coordination with the Federal Bureau of Investigation and may not direct such collection against unconsenting United States persons.

(d) Within the United States the Agency may conduct counterintelligence and counterterrorism intelligence activities by clandestine means only with the approval of the Director of the Federal Bureau of Investigation or a designee, made or confirmed in writing, and shall keep the Federal Bureau of Investigation fully and currently informed of any such activities.

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PART C

AUTHORITIES OF THE AGENCY; AUTHORIZATION FOR APPROPRIATIONS

GENERAL AUTHORITIES OF THE AGENCY

<sup>421.</sup>  
Sec. ~~406.~~ (a) In carrying out its functions under this Act, the Agency is authorized to--

<sup>Exchange funds; AND</sup>  
(1) <sup>1</sup> transfer to and receive from other departments and agencies such sums of money as may be approved by the Director of the Agency for the purpose of carrying out authorized functions, and sums so transferred to or from the Agency may be expended without regard to any limitation on appropriations from which transferred;

~~(2) exchange funds without regard to the provisions of any law, including section 3651 of the Revised Statutes (31 U.S.C. 543);~~

<sup>2</sup>  
~~(3) enter appropriate reimbursement arrangements with other departments and agencies in connection with the detail or assignment of personnel to or from the Agency;~~

<sup>3</sup>  
~~(4) rent any premises within or outside the United States as appropriate to carry out any authorized function of the Agency ; lease property, supplies, services, equipment, buildings or facilities without regard to the limitations of any law including those prescribed in section 322 of the~~

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~~Act entitled "An Act making appropriations for the Legislative Branch of the Government for the fiscal year ending 30 June 1933, and for other purposes," approved 30 June 1932 (40 U.S.C. 278a); acquire, construct, or alter buildings and facilities, or contract for such purposes, without regard to the Public Buildings Act of 1959 (40 U.S.C. 601-615) as amended, or any other law relating to contract clauses or procedures or other procurement matters; repair, operate, and maintain buildings utilities, facilities, and appurtenances;~~

<sup>4</sup>  
(5) ~~without regard to any other provision of law,~~  
maintain and operate full-scale printing facilities for the production of intelligence and intelligence-related materials and lease or purchase and operate computer and communications equipment as appropriate to carry out authorized functions;

<sup>5</sup>  
(6) conduct background investigations in accordance with Title II, and, with appropriate consent, ~~as necessary,~~ to determine the suitability and trustworthiness of applicants for employment or contractor status or access to Agency information or facilities, employees, contractors and their employees, cooperating sources of information or assistance, consultants, applicants for employment with and employees of proprietaries, and persons similarly associated with the Agency or the Office of the Director of National Intelligence;

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<sup>6</sup>  
(7) acquire, establish, maintain, and operate secure communications systems in support of Agency operations and in support of the Office of the Director of National Intelligence, and, when authorized by the Director of the Agency, in support of any other department or agency;

<sup>7</sup>  
(8) in addition to the authority provided under 31 U.S.C. 686, provide to any department or agency such services, supplies, or equipment as the Agency may be in a position to render, supply, or obtain by contract, and place orders with departments or agencies that may be in a position to render, supply, or obtain services, supplies, or equipment by contract or otherwise;

<sup>8</sup>  
(9) protect Agency personnel, installations, equipment and information by lawful security procedures, including, but not limited to, inspections of persons and items entering or leaving facilities and grounds owned or utilized by the Agency;

~~(10) conduct health service programs similar to those authorized by sections 7901 of title 5, and 1156 through 1160 of title 22, United States Code;~~

<sup>9</sup>  
~~(11) notwithstanding the provisions of sections 638 (a) (c) of title 31, United States Code, provide transportation, in accordance with regulations approved by the Director of the Agency for officers, employees and contractors of the Agency and the Office of the Director of National Intelligence, or their dependents, when other means of transportation are unsafe or~~

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<sup>10</sup>  
(12) settle and pay claims of civilian and military personnel, as prescribed in Agency regulations consistent with the terms and conditions by which claims are settled and paid under the Military Personnel and Civilian Employees' Claims Act of 1964, as amended (31 U.S.C. 240-243);

<sup>11</sup>  
(13) pay, in accordance with regulations approved by the Director, expenses of travel in connection with, and expenses incident to membership in, or attendance at meetings of professional, technical, scientific, and other similar organizations and professional associations when such attendance or membership would be of benefit in the conduct of the work of the Agency; and

<sup>12</sup>  
(14) provide or pay expenses of training, ~~without regard to the provisions of Chapter 41 of Title 5,~~ to support authorized Agency functions, and, as appropriate, provide training for personnel of other departments and agencies.

<sup>13</sup>  
(15) perform inspection, audit, public affairs, legal, legislative, and other administrative functions; and

<sup>14</sup>  
(16) perform such additional functions as are otherwise authorized by this Act to be performed by each entity of the Intelligence Community.

(b) Any department or agency may transfer to or receive from the Agency any sum of money in accordance with subsection (a)(1)-(3) of this section.

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(c) Any department or agency is authorized to assign or detail to the Agency any officer or employee of such department or agency to assist the Agency in carrying out any authorized function and the Agency may similarly assign or detail personnel to any other department or agency.

(d) No provision of law shall be construed to require the Director of the Agency or any other officer or employee of the United States to disclose information concerning the organization, <sup>or</sup> functions, ~~or activities~~ of the Agency, including the name, official title, salary, or affiliation with the Agency of any person employed by, or otherwise associated with the Agency, <sup>or</sup> ~~the number of persons employed by the Agency, or any aspect of the Agency budget.~~ In addition, the Agency shall also be exempted from the provisions of any law which require the publication or disclosure, or the search or review in connection therewith, of information in files specifically designated to be concerned with: The design, function, deployment, exploitation or utilization of scientific or technical systems for the collection of intelligence; Special activities and intelligence operations; investigations conducted to determine the suitability of potential intelligence sources; intelligence and security liaison arrangements or information exchanges with foreign governments or their intelligence or security services; except to the extent that disclosure is required under Sections 552 and 552a of Title 5 of information concerning American citizens and permanent resident aliens requested by such persons on themselves.

(e) The Agency is authorized to establish, administer, and maintain methods to conceal and protect the relationship between the Agency and any of its officers, employees, sources, and activities, and for personnel and activities of the Office of the Director of National Intelligence, and for defectors from foreign countries.

(f) The Agency may continue to use and may modify with the approval of the President the seal of office used by the Central Intelligence Agency prior to the effective date of this title and judicial notice shall be taken of such seal.

(g) The Director of the Agency may employ or contract for security officers to police and protect the security of Agency personnel, installations and grounds owned or utilized by the Agency or the Office of the Director of National Intelligence and such security officers shall have the same powers as sheriffs and constables for the protection of persons and property, to prevent breaches of the peace, to suppress affrays or unlawful assemblies, and to enforce any rule or regulation the Director of the Agency may promulgate for the protection of such installations and grounds. The jurisdiction and police powers of such security officers shall not, however, extend to the service of civil process.

(h) Under such regulations as the Director of the Agency shall prescribe, Agency personnel may carry and use firearms while in the discharge of their official duties: Provided, that within the United States, such official duties shall include

only the protection of (1) information concerning intelligence sources and methods and classified documents and material; (2) facilities, property, monies and other valuable assets owned or utilized by the Agency or the Office of the Director of National Intelligence; (3) personnel of the Agency or the Office of the Director of National Intelligence as may be designated by the Director of the Agency; and (4) defectors and foreign persons visiting the United States under Agency auspices; and Provided further, That such duties shall include the transportation and utilization of firearms for authorized training.

(i) (1) The Agency may employ, manage and separate personnel or contract for personal services as it deems advisable, ~~without regard to the provisions of any other law, including provisions of law that establish limitations on types of persons to be employed~~, and may fix the compensation of such personnel at rates not in excess of the maximum rate authorized under other provisions of law;

(2) ~~Notwithstanding any other provision of law,~~  
*The* Director of the Agency may terminate the employment of any officer or employee of the Central Intelligence Agency, or the access of any individual, including contractors of the Agency or any employee of any such contractor, to information relating to intelligence activities whenever the Director of the Agency considers such termination necessary or advisable in the interests of the national security of the United States.



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(3) Any Agency officer or employee, including any officer or employee who has been separated under paragraph (1), or whose employment has been terminated under paragraph (2), may seek or accept employment in the competitive service of the Government if declared eligible for such employment by the Office of Personnel Management; and that Office shall consider such officer or employee for position in the competitive civil service in the same manner as if transferring between two positions in the competitive service, but only if such Agency officer or employee has served with the Agency or the Office of the Director of National Intelligence for a total of at least one year continuously immediately preceding separation or termination.

(j) The Agency shall have no police, subpoena, or law enforcement powers, nor perform any internal security or criminal investigation functions, except to the extent expressly authorized by this Act.

(k) Except as otherwise provided in this Act, the provisions of subsections (a)-(e) and (i) of this section shall be available notwithstanding any other provision of law.

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PROCUREMENT

: 422  
Sec. 407. (a) The Agency is authorized to procure,

use, and dispose of such real and personal property, supplies, services, equipment and facilities as may be necessary to carry out authorized functions.

(b) The provisions of chapter 137, relating to the procurement of property and services, and chapter 139, relating to the procurement of research and development services, of title 10, United States Code, as amended, shall apply to the procurement of property and research and development services by the Agency under this title in the same manner and to the same extent such chapters apply to the procurement of property, services, and research and development services by the agencies named in section 2303(a) of chapter 137 of title 10, except that the Director of the Agency may specify by regulation when any or all of the provisions of chapters 137 and 139 of title 10 may be waived for the effective performance of authorized functions.

~~(c) The Agency is further authorized, without regard to any other provision of law, to procure, use, and dispose of property, goods, or services, in such a manner that the role of the Agency is not apparent or acknowledged, if concealment of Agency involvement is appropriate for the effective performance of authorized functions.~~

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(c) In accordance with regulations promulgated by the Director of the Agency, the Agency is authorized to enter into contracts and amendments of contracts, *to incrementally fund contracts either for supplies and services or research and development*, and to make advance payments on contracts, without regard to any other provision of law, whenever deemed necessary for the effective performance of authorized functions.

(d) The Agency is authorized to dispose of property and use the proceeds therefrom to purchase new property without regard to any other provision of law whenever the Director of the Agency deems such action necessary for the effective performance of authorized functions.

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<sup>c</sup>  
(d) In accordance with regulations promulgated by the Director of the Agency, the Agency is authorized to enter into contracts and amendments of contracts, and to make advance payments on contracts, without regard to any other provision of law, whenever deemed necessary for the effective performance of authorized functions.

<sup>d</sup>  
(e) The Agency is authorized to dispose of property and use the proceeds therefrom to purchase new property without regard to any other provision of law whenever the Director of the Agency deems such action necessary for the effective performance of authorized functions.

*to incrementally fund  
contracts either for  
supplies and service  
or research and  
development.*

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# PROPRIETARIES

<sup>423</sup>  
Sec. ~~408~~. (a) The Agency is authorized to establish and operate proprietaries in support of Agency operations and, with the approval of the Director of National Intelligence, in support of other entities of the Intelligence Community. In addition, any such proprietaries may be operated on a commercial basis to the extent necessary to provide effective cover.

(b) Appropriated funds and funds generated by an Agency proprietary or otherwise received may be deposited in banks or other financial institutions and expended as necessary to accomplish operational purposes except that funds in excess of amounts necessary for such purposes shall be deposited into miscellaneous receipts of the Treasury.

(c) Proceeds from the liquidation, sale, or other disposition of any Agency proprietary may be expended to establish and operate other proprietaries in furtherance of the same or closely related operational purposes. Any such proceeds not so expended shall be deposited into miscellaneous receipts of the Treasury, except for amounts deemed necessary or required by law to be retained for the purpose of satisfying claims or obligations.

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(d) Whenever any Agency proprietary, or operationally related group of proprietaries, whose net value exceeds \$150,000 in 1979 dollars is to be liquidated, sold, or otherwise disposed of, the Agency shall, as much in advance of the liquidation, sale, or other disposition as practicable, report the circumstances of the intended liquidation, sale, or other disposition to the Permanent Select Committee on Intelligence of the House and the Select Committee on Intelligence of the Senate.

(e) Employees of such proprietaries shall not be considered to be employees of the United States or entitled to benefits of any kind accruing to or vesting in employees of the United States unless specifically designated to be so considered in accordance with regulations promulgated by the Director of the Agency.

~~(f) As used in this section, the term "proprietary" means a sole proprietorship, partnership, corporation, or other entity owned or controlled by the Agency but whose relationship with the Agency is not officially acknowledged.~~

<sup>5</sup>  
(g) The authority contained in this section shall, except as otherwise provided in this Act, be available to the Agency notwithstanding any other provision of law.

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RELATIONSHIPS WITH OTHER ENTITIES

<sup>424</sup>  
Sec. ~~409~~. In addition to those activities of the Agency that relate to other departments and agencies and that are authorized in other provisions of this Act, the Agency is further authorized--

(1) to request other entities of the intelligence community to undertake authorized intelligence activities.

(2) to receive assistance from federal, state and local law enforcement agencies in the conduct of authorized functions.

(3) to provide and receive technical guidance, training, and equipment, and, under regulations established by the Director of the Agency, the services of expert personnel, to or from any other federal agency or foreign government, and, when not readily available from another federal agency, to or from state or local governments;

(4) to provide and receive technical information or assistance to or from the Passport Office of the Department of State and the Immigration and Naturalization Service of the Department of Justice to assist in carrying out authorized functions;

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(5) when the Internal Revenue Service is performing an audit of an Agency proprietary or any other organization or individual whose relationship with the Agency is concealed or protected, to notify the Internal Revenue Service of such relationship in order that it not be disclosed publicly in connection with the audit.



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## ADMISSION OF ESSENTIAL ALIENS

<sup>425</sup>  
Sec. 410(a). Whenever the Director of the Agency, the Attorney General, and the Commissioner of Immigration and Naturalization determine that the entry of particular aliens into the United States for permanent residence is in the interest of national security or essential to intelligence activities, such aliens and their immediate families shall be given entry into the United States for permanent residence without regard to their inadmissibility under, or their failure to comply with, any immigration law of the United States or any other law or regulation, but in no case may the number of aliens and members of their immediate families who enter the United States under the authority of this section exceed one hundred in any one fiscal year. The Agency is authorized to process, debrief, and provide relocation assistance to such individuals, as necessary and appropriate under regulations established by the Director of the Agency.

(b) When extraordinary circumstances indicate that a foreign person associated with the Agency should enter or leave the United States under other than that person's true identity, the Agency is authorized to notify the Immigration and Naturalization Service of these circumstances and request a waiver of otherwise applicable rules and procedures.

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## AUTHORIZATION FOR APPROPRIATIONS AND EXPENDITURES

Sec. <sup>426</sup>~~411~~. (a) Notwithstanding any other provision of law, sums available to the Agency by appropriation or otherwise received may be expended to carry out the authorized functions of the Agency. Funds appropriated to the Agency may not be expended unless authorized by legislation enacted during the same or one of the two immediately preceding fiscal years, except that this limitation shall not apply to funds appropriated by any continuing resolution.

(b) Whenever the Director of the Agency determines such action to be necessary in the interest of the national security, the expenditure of funds appropriated to or otherwise received by the Agency shall be accounted for solely on the certificate of the Director of the Agency and every such certificate shall be deemed a sufficient voucher for the amount certified therein.

(c) There is established and the Director of the Agency is authorized to establish and maintain a fund to be known as the Contingency Reserve Fund (hereinafter in this section referred to as the "Reserve Fund") and to credit to the Reserve Fund monies specifically appropriated to the Central Intelligence Agency for such fund and unused balances of funds previously withdrawn from the Reserve Fund. ~~Periodic authorization and appropriations for the Reserve Fund shall be deemed sufficient to maintain the Reserve Fund at the level authorized and appropriated.~~

(d) The Director of the Agency is authorized to expend monies from the Reserve Fund for the payment of expenses incurred in connection with any authorized intelligence activity if--

(1) the withdrawal of funds from the Reserve Fund has been approved by the Office of Management and Budget;

(2) the Committee on Appropriations of the House of Representatives, the Committee on Appropriations of the Senate, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate have been notified of the purpose of such withdrawal at least 72 hours in advance of the withdrawal; except that in extraordinary circumstances the Director of the Agency may authorize the withdrawal of funds from the reserve Fund without prior notification to the appropriate committees of the Congress if the Director of the Agency notifies such committees within 48 hours after initiation of the withdrawal, describes the activity for which such funds have been or are to be expended, certifies to such committees that prior notification would have resulted in a delay which would have been harmful to the United States, and discloses to such committees the reasons why the delay would have been harmful. The foregoing shall not be construed as requiring the approval of any committee of the Congress prior to the initiation of any such activity; and

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(3) the monies from the Reserve Fund are used solely for the purpose of meeting requirements that were not anticipated at the time the President's budget was submitted to the Congress for the fiscal year in which the withdrawal is authorized, and the activities to be funded require protection from unauthorized disclosure.

(e) Monies from the Reserve Fund may be expended only for the purpose for which the withdrawal was approved under this subsection and any amount approved for expenditure but not actually expended or to be expended for the purpose for which approved shall be returned to the Reserve Fund.

(4) Any activity funded from the RESERVE Fund that continues after the end of the fiscal year in which it was funded by monies from the RESERVE Fund shall be funded thereafter through the regular budgetary process at the earliest practicable date.

PART D

TRAVEL AND OTHER ALLOWANCES; RELATED EXPENSES;

RETIREMENT SYSTEM; AND DEATH GRATUITIES

431

Sec. 412. (a) As used in this section "employee" does not include, unless otherwise specifically provided in accordance with regulations issued by the Director of the Agency, any person working for the Agency under a contract or any person who, when initially employed, is a resident in or a citizen of the foreign country in which such person is to be assigned to duty.

(b) Under regulations issued by the Director of the Agency the Agency may pay--

~~(1) travel, transportation, and subsistence expenses comparable to those provided for in chapters 57 and 59 of title 5, United States Code;~~

(2) travel, transportation, <sup>1</sup> *residual* subsistence, and other allowances and benefits in a manner and under circumstances comparable to those provided under title IX of the Foreign Service Act of 1946 (22 U.S.C. 1131-1159);

<sup>2</sup>  
(3) educational travel benefits for dependents in the same manner and under the same circumstances as such benefits are provided under 5 U.S.C. 5924 (4)(A) and (B) for dependents of employees of the Department of State;

<sup>3</sup>  
(4) death gratuities in the same manner as such gratuities are provided under section 14 of the Act entitled "An Act to provide certain basic authority

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for the Department of State", approved 1 August 1956 (22 U.S.C. 2679a), to the extent that the Director of the Agency determines that death occurred in the course of operational activity or resulted from hostile or terrorist action; and

~~(5) travel and necessary subsistence allowances for employees and dependents to obtain suitable medical care where adequate care is not available locally.~~

(c) Whenever any provision of law relating to expenses, allowances, benefits or death gratuities of Foreign Service employees or dependents is enacted after the date of enactment of this Act in a form other than as an amendment to one of the provisions referred to in subsection (b) and the Director of the Agency determines that it would be appropriate for the purpose of promoting the effective performance of authorized functions, the Director of the Agency may, *with the Approval of the President* by regulation, authorize payment, in whole or in part to Agency employees or dependents of such expenses, allowances, benefits and gratuities.

(d) Notwithstanding the provisions of subsections (b) and (c), and under regulations issued by the Director of the Agency, the Agency may pay expenses, allowances, benefits, and gratuities similar to those specifically authorized in those subsections in any case in which the Director of the Agency determines that such

expenses, allowances, benefits or gratuities are necessary for the effective performance of authorized functions or that, for reasons of operational necessity or security, the means of paying expenses, allowances, benefits, and gratuities authorized in subsections (b) and (c), should not be utilized, and may pay special expenses, allowances, benefits, and gratuities when necessary to sustain particular Agency activities.

RETIREMENT SYSTEM

Sec. <sup>432</sup>~~413~~. The "Central Intelligence Agency" in Section 111(1) of the Central Intelligence Agency Retirement Act, and the "Director of Central Intelligence" in Section 112 of that Act, shall be deemed to refer to the "Central Intelligence Agency" and the "Director of the Agency" as established under this title. With the exception of the foregoing sentence, nothing in this Act shall affect the entitlement of Agency employees and former Agency employees to participate in the retirement system established by the Central Intelligence Agency Retirement Act or the retirement system established by chapter 83 of title 5, United States Code.



PART E

TRANSFER OF PERSONNEL, PROPERTY, AND FUNCTIONS;  
STATUTES REPEALED; EFFECT OF SUBSEQUENT LAW

TRANSFER OF PERSONNEL, PROPERTY, AND FUNCTIONS

441

Sec. ~~414~~. (a) All positions, except those of the Director of Central Intelligence and the Deputy Director of Central Intelligence, established in and personnel employed by the Central Intelligence Agency on the day before the effective date of this title, and all obligations, contracts, properties, and records employed, held, or used by the Agency are transferred to the Agency.

(b) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, entitlements, and privileges which have become effective in the exercise of functions transferred under this title and which are in effect on the effective date of this title, shall continue in effect until modified, terminated, superseded, set aside, or repealed by the Director of the Agency or other properly designated Agency official, by any court of competent jurisdiction, or by operation of law.

(c) The provisions of this title shall not affect any proceedings pending before the Central Intelligence Agency as in effect prior to the effective date of this title.

(d) No suit, action, or other proceeding begun prior to the effective date of this title, shall abate by reason of enactment of this title.

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(e) With respect to any function transferred by this title and exercised after the effective date of this title, reference in any other Federal law to any department, agency, office, or part thereof shall be deemed to refer to the department, agency, or office in which such function is vested pursuant to this title, and reference in any other Federal law to a provision of law replaced by similar provisions in this title shall be deemed to refer to the provisions in this title.

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STATUTES REPEALED; EFFECT OF SUBSEQUENT LAW

<sup>442</sup>  
Sec. ~~415~~. (a) No law enacted after the date of the enactment of this Act shall be held, considered or construed as amending, limiting, superseding or otherwise modifying any provision of this title unless such law does so by specifically and explicitly amending, limiting, or superseding such provision.

~~Sec~~ Section 102 of the National Security Act of 1947 (50 U.S.C. 403) and the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a-403j) are repealed.

PART F

CRIMINAL PENALTIES

443

Sec. ~~416~~. (a) (1) Chapter 33 of Title 18, United States Code, is amended by adding at the end thereof a new section as follows:

"S. 716. Misuse of the name, initials, or seal of the Central Intelligence Agency

"Any person who knowingly and without the express written permission of the Director of the Central Intelligence Agency uses the name 'Central Intelligence Agency', the initials 'CIA', the seal of the Central Intelligence Agency, or any colorable imitation of such name, initials, or seal in connection with any impersonation for other than authorized purposes or in connection with any commercial enterprise, including any merchandise, advertisement, book, circular, pamphlet, play, motion picture, broadcast, telecast, or other publication or production in a manner intended to convey the impression that such use is approved, endorse or authorized by the Central Intelligence Agency shall be fined not more than <sup>\$10,000</sup> ~~\$20,000~~ or imprisoned not more than <sup>six months</sup> ~~one year~~, or both."

(2) The table of sections at the beginning of chapter 33 of such title is amended by adding at the end thereof a new item as follows:

"716. Misuse of the name, initials, or seal of the Central Intelligence Agency."

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(b)(1) Title 18, United States Code, is amended by adding at the end thereof the following new chapter:

Chapter 38. Unauthorized disclosure of information identifying certain individuals engaged or assisting in intelligence activities.

[Provided Separately]

STATINTL

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NATIONAL INTELLIGENCE REORGANIZATION AND REFORM ACT OF 1978

TITLE VI -- FEDERAL BUREAU OF INVESTIGATION

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Now TITLE IV

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SHORT TITLE

Sec. 601. This title may be cited as the "Federal Bureau of Investigation Intelligence Activities Act of 1978."



STATEMENT OF PURPOSES

Sec. 602. It is the purpose of this Act--

(1) to authorize the Federal Bureau of Investigation, subject to the supervision and control of the Attorney General, to perform those intelligence activities which are necessary for the conduct of the foreign relations and the protection of the national security of the United States;

(2) to amend and supplement the provisions of title 28, United States Code, governing the Department of Justice;

(3) to confer upon the Director of the Federal Bureau of Investigation the authority necessary to fulfill the duties and responsibilities prescribed by this title, and to make him accountable to the Attorney General, the Congress, and the people of the United States; and

(4) to ensure that the intelligence activities of the Federal Bureau of Investigation are properly directed, regulated, coordinated, and administered, and are organized and conducted so as to meet the intelligence requirements of the United States, and so as not to abridge any right guaranteed or protected by the Constitution or laws of the United States.

#### DEFINITIONS

Sec. 603. (a) Except as otherwise provided in this section, the definitions in title I, the National Intelligence Act of 1978, and in title II, the Intelligence Activities and Individual Rights Act of 1978, shall apply to this title.

(b) As used in this title--

INTELLIGENCE ACTIVITIES OF THE FEDERAL  
BUREAU OF INVESTIGATION; AUTHORIZATION

Sec. 604. (a) It shall be the function of the Federal Bureau of Investigation (hereinafter in this title referred to as the "Bureau"), subject to the supervision and control of the Attorney General, to--

(1) conduct or coordinate all foreign counterintelligence and foreign counterterrorism activities of the United States Government within the United States;

(2) conduct foreign counterintelligence and foreign counterterrorism activities outside the United States in coordination with the Central Intelligence Agency;

(3) conduct foreign counterintelligence and foreign counterterrorism activities within the United States at the request of a law enforcement, intelligence, or security agency of a foreign government and provide assistance to foreign law enforcement, intelligence, or security officers conducting such activities within the United States who have provided prior notification to the Department of State as required by section 951 of title 18, United States Code;

(4) collect foreign intelligence through overt, clandestine, and technical means within the United States and conduct activities in support of the foreign intelligence, collection requirements of other entities of the Intelligence Community;

(5) coordinate all collection of foreign intelligence through clandestine and technical means within the United States by other entities of the Intelligence Community;

(6) analyze, produce, and disseminate foreign intelligence and foreign counterintelligence information to the extent prescribed by the Attorney General.

(b) The functions of the Bureau under this title shall be carried out under the direct and exclusive supervision and control

of the Attorney General and shall be accomplished under the provisions of this Act and in conformity with the Constitution and laws of the United States. In exercising supervision and control over the Bureau, the Attorney General shall comply with policy established by the National Security Council and shall be responsive to foreign intelligence collection objectives, requirements, and priorities promulgated by the Director of National Intelligence.

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# DUTIES OF THE FBI DIRECTOR

Sec. 605. (a) It shall be the duty of the Director of the Federal Bureau of Investigation, under the direction of the Attorney General, to--

(1) ensure that the intelligence activities conducted or coordinated by the Bureau are carried out in conformity with the provisions of this title and with the Constitution and laws of the United States, and that such activities do not abridge any right guaranteed or protected by the Constitution or laws of the United States;

(2) keep the Attorney General fully and currently informed of all intelligence activities conducted or coordinated by the Bureau, and provide the Attorney General with any information he may request on such activities;

(3) serve as the principal officer of the Government for the conduct and coordination of foreign counterintelligence and foreign counterterrorism activities within the United States;

(4) advise the Attorney General and the National Security Council regarding the objectives, priorities, direction and conduct of foreign counterintelligence and foreign counterterrorism activities;

(5) assist the Attorney General and the National Security Council in the assessment of the threat to United States interests from the intelligence activities of intelligence and security services of foreign powers and from international terrorist activities, including assessment of the effectiveness of United States foreign counterintelligence and foreign counterterrorism activities against this threat;

(6) meet the foreign counterintelligence and foreign counterterrorism requirements of the United States Government by conducting and properly coordinating effective and lawful activities to protect against espionage, sabotage, international terrorist activities, or assassinations

conducted for or on behalf of foreign powers, organizations or persons;

(7) establish procedures by which all foreign counter-intelligence proposals or activities of the Bureau which are determined under standards established by the President to require approval by the Counterintelligence Committee of the National Security Council, shall be periodically reviewed by the Attorney General and the Counterintelligence Committee of the National Security Council;

(8) provide the National Security Council and the Director of National Intelligence, subject to the approval of the Attorney General, with such information as they may request on the intelligence activities of the Bureau;

(9) conduct lawful foreign counterintelligence and foreign counterterrorism activities within the United States, subject to the approval of the Attorney General, at the request of a law enforcement, intelligence, or security agency of a foreign government;

(10) provide lawful assistance, subject to the approval of the Attorney General, to foreign law enforcement, intelligence, or security officers conducting foreign counterintelligence or foreign counterterrorism activities within the United States who have provided prior notification to the Department of State as required by section 951 of title 18, United States Code;

(11) conduct foreign counterintelligence and foreign counterterrorism liaison abroad with foreign governmental agencies in accordance with procedures agreed upon by the Attorney General and the Director of National Intelligence;

(12) ensure that any intelligence activities conducted by the Bureau outside the United States are coordinated with the Central Intelligence Agency in accordance with procedures agreed upon by the Attorney General and the Director of National Intelligence;

(13) collect foreign intelligence information by lawful means within the United States, subject to the approval of the Attorney General, when requested by officials of the Intelligence Community designated by the President to make such requests;

(14) conduct lawful activities in support of foreign intelligence collection requirements of other entities of the Intelligence Community, subject to the approval of the Attorney General, when requested by officials of the Intelligence Community designated by the President to make such requests;

(15) insofar as directed by the Attorney General, produce and disseminate foreign intelligence, foreign counterintelligence, and foreign counterterrorism information, produce foreign counterintelligence studies and reports, and coordinate the production of foreign counterintelligence studies and reports concerning United States persons by other entities of the Intelligence Community;

(16) carry out or contract for research, development and procurement of technical systems and devices relating to the intelligence functions of the Bureau;

(17) subject to the approval of the Attorney General and the National Security Council, enter into written agreements with the Central Intelligence Agency, with the intelligence elements of the military services, and with any other entity of the Intelligence Community, establishing standards and procedures for the coordination of all foreign counterintelligence and foreign counterterrorism activities and all collection of foreign intelligence through clandestine and technical means within the United States;

(18) approve, under procedures established by the Attorney General and the National Security Council, any foreign

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counterintelligence activity of the Central Intelligence Agency conducted within the United States;

(19) approve, under procedures agreed upon by the Attorney General and the Secretary of Defense, any foreign counterintelligence activity by the counterintelligence elements of the military services directed against a United States person who is not a member of the military services;

(20) ensure that any foreign counterintelligence activities of the Bureau involving military or civilian personnel of the Department of Defense are coordinated with the Department of Defense, in accordance with procedures agreed upon by the Attorney General and the Secretary of Defense;

(21) ensure that the Bureau and the Attorney General are kept fully and currently informed of all foreign counterintelligence, foreign counterterrorism, and clandestine collection activities conducted within the United States or directed against United States persons abroad by or on behalf of the Central Intelligence Agency, the counterintelligence elements of the military services, or any other entity of the Intelligence Community;

(22) ensure that the Bureau will receive, in a timely fashion and in accordance with Title II of this Act, all foreign counterintelligence or foreign counterterrorism information concerning United States persons and concerning activities within the United States collected by any entity of the Intelligence Community;

(23) ensure that the Bureau and the Attorney General are kept fully and currently informed of all activities conducted within the United States by foreign law enforcement, intelligence, or security officers who have provided prior notification to the Department of State as required by section 951 of title 18, United States Code;

(24) prepare a proposed budget for the intelligence activities of the Bureau and the Attorney General; and  
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from the Attorney General and the Director of National Intelligence and submit that proposed budget to the Attorney General and the Director of National Intelligence at such time and in such manner as may be specified by the Attorney General;

(25) implement appropriate mechanisms established by the Attorney General for the proper administration, control and accounting of all funds made available to the Bureau to perform its intelligence activities;

(26) reprogram, subject to the approval of the Attorney General and as provided in annual authorization or appropriations Acts, funds made available to the Bureau to carry out its intelligence activities;

(27) prescribe and implement, with the approval of the Attorney General, security rules, regulations, procedures, and standards for the protection of information and material relating to intelligence activities, including such investigations of applicants, employees, contractors, and other persons with similar associations with the Bureau as are necessary for this purpose.

(b) (1) To assist the Director in the fulfillment of his responsibilities under this title, he shall appoint with the approval of the Attorney General appropriate senior officials, of the Bureau, including--

(A) a principal legal advisor to the Director;

(B) an internal inspection officer; and

(C) senior intelligence officials authorized by the Director to assist him in carrying out his functions under this title, including any official who shall act for, and exercise the powers of, the Director under this title during the absence or disability of the Director.

(2) The principal legal advisor to the Director shall have the responsibility and authority, in consultation with the Attorney General, to--

(A) review all intelligence activities of the Bureau, and advise the Director whether such activities are in conformity with the Constitution and laws of the United States, Executive orders, Presidential directives and memoranda, and the rules, regulations, and policies of the Bureau;

(B) review any proposed rules and regulations of the Bureau, including but not limited to any rules and regulations proposed to implement the provisions of this title, to ensure that they are in conformity with the Constitution and laws of the United States, Executive orders, and Presidential directives and memoranda; and

(C) perform the duties assigned to the General Counsel of each entity of the Intelligence Community by section 119(a)(5) of title I of this Act.

(3) The internal inspection officer shall have the responsibility and authority, consistent with the duties of the internal inspection officer of the Department of Justice designated by the Attorney General under section 205(b) of title II of this Act, to--

(A) investigate all intelligence activities of the Bureau to determine in what respects the Bureau may more efficiently perform its lawful responsibilities and to determine the facts and circumstances of any wrongdoing;

(B) advise the Director and the principal legal advisor to the Director of his findings regarding such activities;

(C) perform such other investigations as the Director deems necessary and appropriate, subject to the approval of the Attorney General and the provisions of this Act; and

(D) perform the duties assigned to the Inspector General of each entity of the Intelligence Community by section 119(a)(5) of title I of this Act.

(4) The Director shall, with the approval of the Attorney General, designate senior officials of the Bureau authorized to assist him in carrying out his functions under this Act. The Attorney General shall provide by regulation what officials of the Bureau shall act in place of the Director under this Act during the absence or disability of the Director or during any temporary vacancy in the Office of the Director.

(c) (1) The Director is authorized, with the approval of the Attorney General, to establish such committees or boards, composed of officers and employees of the United States, as may be necessary to carry out effectively the provisions of this title.

(2) The Director is also authorized, with the approval of the Attorney General, to establish such advisory committees as may be necessary to provide expert advice regarding the administration of this title. The provisions of the Federal Advisory Committee Act (86 Stat. 770) shall apply with respect to any advisory committee established by the Director under the authority of this section except that the Attorney General may, with the approval of the President, waive the application of any or all of the provisions of such Act when the Attorney General deems such action necessary to the successful performance of the functions of the Bureau under this title or to protect the security of the activities of the Bureau under this title. Any waiver exercised by the Attorney General under this subsection shall be reported to the committees of the Congress having jurisdiction over matters relating to national intelligence activities and the names of all persons appointed to serve on such advisory committee shall be reported to such committees of the Congress.

FOREIGN INTELLIGENCE ACTIVITIES OF THE FEDERAL BUREAU  
OF INVESTIGATION; STANDARDS AND PROCEDURES

Sec. 606. (a) In carrying out its functions under this title to collect foreign intelligence through overt, clandestine, and technical means and to conduct activities in support of the foreign intelligence collection requirements of other entities of the Intelligence Community, subject to the provisions of title II of this Act, the Bureau--

(1) shall perform such functions only upon the request made or confirmed in writing, of an appropriate official of another entity of the Intelligence Community who is designated by the President to make such requests, provided that the requesting official shall--

(A) describe the information sought or the support activities requested;

(B) certify that the information sought or the support activities requested are relevant to the authorized functions and duties of the requesting entity; and

(C) set forth the reasons why the Bureau is being requested to collect the information or conduct the support activities;

(2) shall provide the Attorney General or his designee in a timely manner with copies of all such requests;

(3) may not conduct support activities without the express written approval of the Attorney General or his designee;

(4) may not use the following techniques to collect foreign intelligence information unless the Attorney General or his designee grants express written approval based upon his findings that the information sought is important to the national security or the conduct of the foreign affairs of the United States, that the technique is necessary to acquire

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such information, and that other techniques and publicly available information are inadequate--

(A) confidential or pretext interviews of United States persons;

(B) physical (or photographic) surveillance of United States persons;

(C) requests for the retrieval of information already maintained in the confidential tax records of federal, state, or local government agencies;

(D) requests for the retrieval of information already maintained in the confidential records of private institutions;

(E) the development of new covert human sources;

(F) mail covers;

(G) consensual electronic surveillance;

(H) any other technique designated by the Attorney General or by law as requiring such approval;

(5) may not use any other technique to collect foreign intelligence information, unless a senior intelligence official at Bureau headquarters designated by the Director grants express written approval based upon his findings that the technique is necessary to acquire such information and that publicly available information is inadequate;

(6) may not collect publicly available foreign intelligence information without the express written approval of a senior intelligence official at Bureau headquarters designated by the Director;

(7) shall collect foreign intelligence and conduct activities in support of the foreign intelligence requirements of other entities of the Intelligence Community only in accordance with procedures approved by the Attorney General specifying a reasonable duration for such collection or

assistance and reasonable requirements for periodic reauthorization by a senior intelligence official at Bureau headquarters designated by the Director.

(b) The Attorney General or his designee shall review the foreign intelligence activities of the Bureau at least annually to determine whether the requirements of this Act and of any procedures approved by the Attorney General pursuant to this Act have been followed.

FOREIGN COUNTERINTELLIGENCE AND FOREIGN COUNTERTERRORISM  
ACTIVITIES OF THE FEDERAL BUREAU OF INVESTIGATION

Sec. 607. (a) In carrying out its functions under this title to conduct foreign counterintelligence and foreign counterterrorism activities of the United States, subject to the provisions of title II of this Act, the Bureau--

(1) may investigate any person reasonably believed to be engaged in espionage or other unlawful clandestine intelligence activities, sabotage, international terrorist activities, or assassinations for or on behalf of a foreign power, organization, or person, or to be conspiring with or aiding and abetting any person engaged in such activities;

(2) may investigate any foreign person who is an officer or employee of a foreign power or organization, information about whose activities would constitute foreign counterintelligence or foreign counterterrorism information;

(3) may investigate any foreign person residing temporarily within the United States who may engage in espionage or other clandestine intelligence activities, sabotage, international terrorist activities, or assassinations;

(4) may investigate any person having contact with a non-United States person who is the subject of a foreign counterintelligence investigation, but only to the extent necessary to identify such person;

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(5) may investigate any person reasonably believed to be the object of a recruitment effort by a foreign intelligence service or by international terrorists, but only to the extent necessary to identify such person and to determine the nature of such recruitment effort;

(6) may investigate any person reasonably believed to be engaged in activities, or to possess information or property, which are the target of international terrorist activity or are the target of intelligence activity by a foreign intelligence service, but only to the extent necessary to identify such target and to determine the nature of the terrorist or intelligence service interest in such target;

(7) may investigate any person reasonably believed to be a potential source of operational assistance in the conduct of authorized foreign counterintelligence activities of the United States, but only to the extent necessary to determine such person's suitability as a source of operational assistance;

(8) may receive and correlate nonpublicly available information volunteered to the Bureau by another person, organization, or agency of government concerning persons who are, or may be, subjects of investigations under paragraphs (1)-(7), provided that the Bureau has no reason to believe the information was unlawfully collected and that the information is relevant to such investigations or to the decision to initiate such investigations;

(b) In carrying out its functions under this title to conduct foreign counterintelligence activities outside the United States, subject to the approval of the Central Intelligence Agency as provided in section 608, and with the express written approval of the Attorney General or his designee, the Bureau--



(1) may conduct investigations outside the United States with the knowledge and consent of the foreign government;

(2) may assist investigations outside the United States conducted by a law enforcement, intelligence, or security agency of a foreign government upon the request of such agency;

(3) may conduct such other foreign counterintelligence activities outside the United States as are necessary to the conduct by the Bureau of foreign counterintelligence activities within the United States;

(4) may conduct foreign counterintelligence activities outside the United States upon the request of the Central Intelligence Agency.

(c) The Attorney General or his designee shall review all foreign counterintelligence activities of the Bureau at least annually to determine whether they have been conducted in accordance with the requirements of this Act and of any procedures approved by the Attorney General pursuant to this Act.

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FBI COORDINATION WITH OTHER ENTITIES  
OF THE INTELLIGENCE COMMUNITY

Sec. 608. (a) In carrying out its functions under this title to coordinate all foreign counterintelligence activities of the United States Government within the United States, the Bureau--

(1) shall approve or disapprove the conduct by the Central Intelligence Agency of any foreign counterintelligence activities within the United States upon the request, made or confirmed in writing, of an appropriate senior intelligence official of the Central Intelligence Agency who is designated by the President to make such requests, provided that the requesting official shall--

(A) describe the activities to be conducted;

(B) certify that the activities to be conducted are necessary to the conduct by the Central Intelligence Agency of foreign counterintelligence activities abroad; and

(C) set forth the reasons why the Central Intelligence Agency is requesting to conduct such activities within the United States;

(2) shall approve or disapprove the conduct by the counterintelligence elements of the military services of any foreign counterintelligence activities within the United States directed against any person who is not a member of the military services upon the request, made or confirmed in writing, of an appropriate senior intelligence official of the Department of Defense who is designated by the President to make such requests, provided that the requesting official shall--

(A) describe the activities to be conducted;

(B) certify that the activities to be conducted are necessary to the conduct by a counterintelligence

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element of the military services of foreign counter-intelligence activities in support of Department of Defense components; and

(C) set forth the reasons why the counter-intelligence element of the military service is requesting to conduct such activities;

(3) shall provide the Attorney General or his designee in a timely manner with copies of all such requests and shall notify the Attorney General or his designee in a timely manner of the approval or disapproval by the Bureau;

(4) may not grant approval for such activities of the Central Intelligence Agency or the counterintelligence elements of the military services, unless the Director finds that such activities cannot practicably be conducted by the Bureau;

(5) shall supervise the conduct of such activities by the Central Intelligence Agency or the counterintelligence elements of the military services for the purpose of ensuring that such activities are carried out in accordance with the provisions of this title;

(6) shall enter into such written agreements with the Central Intelligence Agency and with the counterintelligence elements of the military services as may be necessary or appropriate for the establishment of standards and procedures to facilitate the effective coordination of all foreign counterintelligence activities of the United States Government within the United States, provided that such agreements shall be approved by the Attorney General and by the Counterintelligence Committee of the National Security Council.

(b) In carrying out its functions under this title to coordinate all collection of foreign intelligence through clandestine and technical means within the United States by other entities of the Intelligence Community, the Bureau--

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(1) may approve the collection of foreign intelligence through the use of electronic surveillance as defined in chapter 120 of title 18, United States Code, by another entity of the Intelligence Community only upon the express written approval of the Attorney General and only if such surveillance is authorized in accordance with the provisions of such chapter;

(2) shall approve or disapprove the collection of foreign intelligence through clandestine means within the United States concerning the activities of any person who is or may become the subject of a foreign counterintelligence investigation by the Bureau upon the request, made or confirmed in writing, of an appropriate senior official of another entity of the Intelligence Community, provided that the requesting official shall--

(A) describe the means of collection to be used;

(B) set forth the reasons why such collection should be undertaken by the requesting entity, rather than by or through the assistance of the Bureau;

(3) shall provide the Attorney General or his designee in a timely manner with copies of all such requests and notify the Attorney General or his designee in a timely manner of the approval or disapproval by the Bureau;

(4) shall enter into such written agreements with other entities of the Intelligence Community as may be necessary or appropriate for the establishment of standards and procedures to facilitate the effective coordination of all collection of foreign intelligence through clandestine and technical means within the United States, provided that such agreements shall be approved by the Attorney General and by the Director of National Intelligence.

(c) In carrying out its functions under this title to conduct foreign counterintelligence activities outside the United

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States in coordination with the Central Intelligence Agency, the Bureau--

(1) may conduct such activities abroad only with the approval of the Central Intelligence Agency;

(2) shall secure approval of the Central Intelligence Agency only by request, made or confirmed in writing, of a senior intelligence official at Bureau headquarters, provided that the requesting official shall--

(A) describe the activities to be conducted;

(B) certify that the activities to be conducted have been approved by the Attorney General or his designee; and

(C) set forth the reasons why the Bureau is requesting to conduct such activities abroad;

(3) shall notify the Attorney General or his designee in a timely manner of the approval or disapproval by the Central Intelligence Agency.

(d) Under guidelines developed by the Counterintelligence Committee of the National Security Council and approved by the Attorney General, consistent with the provisions of title II of this Act, the Bureau--

(1) shall maintain central records of all counterintelligence information concerning United States persons and concerning espionage and other clandestine intelligence activities, sabotage, international terrorism, or assassinations for or on behalf of foreign powers, organizations, or persons within the United States, including information collected abroad;

(2) shall disseminate to the Central Intelligence Agency any information acquired by the Bureau which relates to the responsibilities and duties of such Agency abroad;

(3) shall disseminate to the counterintelligence elements of the military services any information acquired

by the Bureau which relates to the responsibilities and duties of such elements for the conduct of foreign counterintelligence activities in support of Department of Defense components.

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FEDERAL BUREAU OF INVESTIGATION COOPERATION WITH  
INTELLIGENCE, SECURITY, OR LAW ENFORCEMENT AGENCIES  
OF FOREIGN GOVERNMENTS

Sec. 609. (a) In carrying out its functions under this title to conduct foreign counterintelligence and foreign counterterrorism activities within the United States at the request of a law enforcement, intelligence, or security agency of a foreign government and to provide assistance to foreign law enforcement, intelligence, or security officers conducting such activities within the United States, the Bureau--

(1) may collect information upon the request of such an agency, provided that--

(A) such request shall identify the information sought and specify the purposes of the investigation; and

(B) the Attorney General or his designee shall approve all such collection of information based upon a written finding that such collection would otherwise be within the authority of the Bureau under this Act;

(2) may provide assistance to foreign law enforcement, intelligence, or security officers conducting investigations within the United States, provided that--

(A) such officers shall provide prior notification to the Department of State as required by section 951 of title 18, United States Code;

(B) requests for such assistance shall identify the assistance sought and the purpose of the investigation to be assisted;

(C) the Attorney General or his designee shall approve all such assistance based upon a written finding that such assistance is clearly in the interests of the United States;

(3) shall keep the Attorney General or his designee fully and currently informed of all collection of information

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or assistance by the Bureau at the request of such foreign agencies or officers and any other investigations conducted by such agencies or officers within the United States;

(b) All activities conducted by the Bureau within the United States at the request of a law enforcement, intelligence, or security agency of a foreign government and all assistance provided by the Bureau to foreign law enforcement, intelligence, or security officers conducting investigations within the United States shall be conducted or provided in accordance with the provisions of title II of this Act.



TITLE IV -- CENTRAL INTELLIGENCE AGENCY

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TITLE IV -- CENTRAL INTELLIGENCE AGENCY

PART A

SHORT TITLE; PURPOSE; DEFINITIONS

SHORT TITLE

Sec. 401. This title may be cited as the "Central Intelligence Agency Act of 1978".

STATEMENT OF PURPOSES

Sec. 402. It is the purpose of this Act --

(1) to clarify the statutory authorities, functions, and responsibilities of the Central Intelligence Agency;

(2) to authorize the Central Intelligence Agency to perform intelligence activities which are necessary for the conduct of the foreign relations and the protection of the national security of the United States;

(3) to ensure that the foreign intelligence, counterintelligence, and counterterrorism activities of the Central Intelligence Agency are properly and effectively directed, regulated, coordinated, and administered; and

(4) to ensure that the Central Intelligence Agency is accountable to the President, the Congress, and the people of the United States, and that the foreign intelligence, counterintelligence, and counterterrorism activities of the Central Intelligence Agency are conducted in a manner consistent with the Constitution and laws of the United States and so as not to abridge any right protected by the Constitution or laws of the United States.

DEFINITIONS

Sec. 403. (a) Except as otherwise provided in this section, the definitions in title I shall apply to this title.

(b) As used in this title, the term "proprietary" means a sole proprietorship, partnership, corporation, or other business entity owned or controlled by the Central Intelligence Agency but whose relationship with the Central Intelligence Agency is not publicly known.

PART B

ESTABLISHMENT OF AGENCY; DIRECTOR;  
FUNCTIONS

ESTABLISHMENT OF CENTRAL INTELLIGENCE AGENCY

Sec. 411. There is established an Agency to be known as the Central Intelligence Agency (hereinafter in this title referred to as the "Agency"). The Agency shall be under the direction and control of the National Security Council.

DIRECTOR; DUTIES OF DIRECTOR

Sec. 412. (a) There shall be at the head of the Agency a Director of the Central Intelligence Agency (hereinafter in this title referred to as the "Director"). The Director of National Intelligence, or, in accordance with section 117 of this Act, the Deputy Director of National Intelligence or an Assistant Director of National Intelligence, shall act as the Director. In the event that the Director and the Director of National Intelligence are not one and the same person, the Director shall be subject to the supervision of, and responsive to intelligence plans, objectives, and requirements established by, the Director of National Intelligence.

(b) It shall be the duty of the Director to --

(1) ensure that the functions of the Agency are conducted in accordance with the provisions of this Act and with the Constitution and laws of the United States, and that the performance of those functions does not abridge any right protected by the Constitution or laws of the United States;

(2) ensure that the activities of the Agency are properly and efficiently directed, regulated, coordinated, and administered; and

(3) perform with respect to the Agency the duties assigned elsewhere in this Act to the head of each entity of the Intelligence Community.

FUNCTIONS

Sec. 413. (a) All activities, duties, and responsibilities of the Agency shall be related to the intelligence functions set out in this section, and shall be performed in accordance with this Act.

(b) The Agency shall--

(1) collect foreign intelligence from publicly available sources and from any person willing voluntarily to provide such intelligence;

(2) when the information sought is not available publicly or from a person willing voluntarily to provide the information, collect foreign intelligence by clandestine means abroad and, when integrally and exclusively related to Agency activities outside the United States, from foreign persons within the United States; and

(3) develop and provide support for technical and other programs which collect national intelligence from sources outside the United States.

(c) The Agency shall produce, analyze, and disseminate foreign intelligence necessary to meet the needs of the President, the National Security Council, the Congress, and other departments and agencies, and shall provide such support as the Director of National Intelligence requires for the production of national intelligence estimates and similar Intelligence Community-coordinated analyses.

(d) The Agency shall conduct special activities in support of national foreign policy objectives.

(e) The Agency shall--

(1) conduct counterintelligence and counterterrorism activities outside the United States;

(2) conduct such counterintelligence and counterterrorism activities within the United States as are integrally related to counterintelligence or counterterrorism activities of the Agency outside the United States; and

(3) produce and disseminate counterintelligence and counterterrorism studies and reports.

(f) The Agency shall act as the Director of National Intelligence's agent in the coordination of all counterintelligence and counterterrorism activities, and of all clandestine collection of foreign intelligence, including collection utilizing human sources, conducted outside the United States by any other entity of the Intelligence Community.

(g) The Agency shall also --

(1) conduct or contract for research, development, and procurement of technical systems and devices relating to authorized functions;

(2) conduct services of common concern for the Intelligence Community as directed by the Director of National Intelligence;

(3) conduct liaison with foreign governmental agencies in coordination with the Director of National Intelligence;

(4) collect publicly available information which is relevant to any authorized Agency function but which does not constitute foreign intelligence, counterintelligence, or counterterrorism intelligence; and

(5) provide legal, legislative, and audit services and other administrative support to the Office of the Director of National Intelligence.

(h) (1) All Agency activities within the United States involving the collection of intelligence and all Agency counterintelligence and counterterrorism activities within the United States shall be conducted in coordination with the Federal Bureau of Investigation and in accordance with procedures agreed upon by the Attorney General and the Director of National Intelligence.

(2) The Director of National Intelligence and the Attorney General shall conduct a review, at least annually, of all Agency activities within the United States for the purpose of ensuring that such activities do not violate any right protected by the



Constitution or laws of the United States, determining the necessity for continuing such activities, and making such recommendations in this regard as they deem appropriate to the President, the National Security Council, and the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

PART C

GENERAL AND SPECIAL AUTHORITIES OF THE AGENCY;  
AUTHORIZATION FOR APPROPRIATIONS; GENERAL COUNSEL  
AND INSPECTOR GENERAL

GENERAL AUTHORITIES OF THE AGENCY

Sec. 421. (a) In carrying out its functions under this Act, the Agency is authorized to--

(1) transfer to and receive from other departments and agencies for the sole purpose of carrying out functions authorized by this title, such sums of money as may be approved by the Director of National Intelligence and the Director of the Office of Management and Budget, and sums so transferred to the Agency may be expended by the Agency without regard to any limitation on appropriations from which transferred but only when the Director certifies in writing that such limitation would unduly impede the performance of a function authorized by this title and transmits such written certification to the appropriate committees of the Congress;

(2) exchange funds without regard to the provisions of section 3651 of the Revised Statutes (31 U.S.C. 543);

(3) reimburse other departments and agencies for the services of personnel assigned or loaned to the Agency;

(4) reimburse other departments and agencies for expenses incurred when Agency personnel are assigned to such departments and agencies for cover purposes;

(5) rent any premises within or outside the United States necessary to carry out any function of the Agency authorized under this title; lease buildings without regard to the limitations prescribed in section 322 of the Act entitled "An Act making appropriations for the Legislative Branch of the Government for the fiscal year ending 30 June 1933, and for other purposes," approved 30 June 1932 (40 U.S.C. 278a); acquire, construct, or alter buildings and facilities without regard to the Public Buildings Act of

1959 (40 U.S.C. 601-615); and repair, operate, and maintain buildings, utilities, facilities, and appurtenances;

(6) conduct background investigations of applicants for employment with the Agency;

(7) establish, maintain, and operate secure communications systems in support of Agency operations and, as a service of common concern, establish, maintain, and operate such secure communications systems as may be required for the use of other departments and agencies;

(8) perform inspection, audit, public affairs, legal, and legislative services;

(9) establish, furnish, and maintain, in coordination with the Director of National Intelligence, secure cover for Agency officers, employees, and agents;

(10) establish and operate proprietaries to support Agency operations;

(11) protect, in accordance with standards established by the Director of National Intelligence under section 114 and with any other applicable laws and Executive orders, materials and information related to intelligence sources and methods;

(12) perform such additional functions as are otherwise authorized by this Act to be performed by each entity of the Intelligence Community;

(13) conduct health-service programs as authorized by section 7901 of title 5, United States Code;

(14) transport, in accordance with regulations approved by the Director, officers and employees of the Agency in Government-owned automotive equipment between their domiciles and places of employment where such personnel are engaged in work which makes such transportation necessary;

(15) settle and pay claims of civilian and military personnel, as prescribed in Agency regulations consistent with the terms and conditions by which claims are settled

and paid under the Military Personnel and Civilian Employees' Claims Act of 1964 (31 U.S.C. 240-243);

(16) pay, in accordance with regulations approved by the Director, expenses of travel in connection with, and expenses incident to attendance at meetings of professional, technical, scientific, and other similar organizations when such attendance would be a benefit in the conduct of the work of the Agency; and

(17) train Agency personnel and, as appropriate, personnel of other departments and agencies.

(b) Notwithstanding the provisions of section 3678 of the Revised Statutes (31 U.S.C. 628) or any provision of law enacted after the effective date of this title, unless such subsequently enacted provision expressly cites this subsection, any department or agency may transfer to or receive from the Agency any sum of money approved, in accordance with subsection (a)(1) of this section, by the Director of National Intelligence and the Director of the Office of Management and Budget for use in carrying out any function authorized by this title.

(c) Notwithstanding any other provision of law, any department or agency is authorized to assign or loan to the Agency any officer or employee of such department or agency to assist the Agency in carrying out any function of the Agency authorized by this title. In any case in which any officer or employee of another department or agency is assigned or loaned to the Agency in a manner that would be prohibited except for this subsection, the Agency shall report the details of such assignment or loan to the appropriate committees of the Congress.

(d) (1) Any proprietary established and operated by the Agency may be operated on a commercial basis to the extent necessary to provide effective cover. Any funds generated by any such proprietary in excess of the amount necessary for its normal operational requirements shall be deposited by the Director into miscellaneous receipts of the Treasury.

(2) Whenever any Agency proprietary whose net value exceeds \$50,000, is to be liquidated, sold, or otherwise disposed

of, the Agency shall, as much in advance of the liquidation, sale, or other disposition of the proprietary as practicable and subject to such security standards as the Director and Attorney General shall agree upon, report the circumstances of the intended liquidation, sale, or other disposition to the Attorney General and the Comptroller General of the United States. Any proceeds from any liquidation, sale, or other disposition of any Agency proprietary, in whatever amount, after all obligations of the proprietary have been met, shall be deposited by the Director into miscellaneous receipts of the Treasury.

(e) The authority contained in clauses (9) and (10) of subsection (a) shall, except as otherwise provided in this Act, be available to the Agency notwithstanding any other provision of law and shall not be modified, limited, suspended, or superseded by any provision of law enacted after the effective date of this title unless such provision expressly cites the specific provision of subsection (a) intended to be so modified, limited, suspended, or superseded.

(f) The Agency may continue to use the seal of office used by the Central Intelligence Agency prior to the effective date of this title and judicial notice shall be taken of such seal.

(g) Subject to the provisions of section 152(a) of this Act, no provision of law shall be construed to require the Director or any other officer or employee of the United States to disclose the organization, function, name, official title, salary, or affiliation with the Central Intelligence Agency of any person employed by the Agency, or the number of persons employed by the Agency, unless such provision specifically requires such disclosure and expressly cites this subsection.

(h) The Director may appoint and assign security officers to police the installations and grounds of the Agency, where such security officers shall have the same powers as sheriffs and constables for the protection of persons and property, to prevent breaches of the peace, to suppress affrays or unlawful assemblies, and to enforce any rule or regulation the Director may promulgate for the protection of such installations and

grounds. The jurisdiction and police powers of such security officers shall not, however, extend to the service of civil process.

(i) The Director may authorize employees of the Agency to carry firearms within the United States for courier protection purposes, for the protection of the Director of National Intelligence, the Deputy Director of National Intelligence, and any Assistant Director of National Intelligence, and, in exigent circumstances, such officials of the Agency as the Director may designate, and for the protection of any defector from any foreign country or any foreign person visiting the United States under Agency auspices.

(j) (1) The Agency may appoint, promote, and separate such personnel or contract for such personnel services as it deems advisable, without regard to the provisions of title 5, United States Code, governing appointments to, promotions in, and separations from the competitive services, and without regard to the limitations on types of persons to be employed, and fix the compensation of such personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title, relating to classification and General Schedule pay rates, but at rates not in excess of the rate authorized for Executive Schedule V by section 5316 of that title;

(2) Notwithstanding any other provision of law, the Director may terminate the employment of any officer or employee of the Central Intelligence Agency or the security clearance of any contractor of the Agency or any employee of any such contractor whenever the Director considers such termination necessary or advisable in the interests of the national security of the United States. The Director shall periodically report to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate on the exercise of the Director's authority under this paragraph.

(3) Executive schedule positions within the Agency in addition to those of Director, General Counsel, and Inspector

General and any positions in the grades of GS-16, GS-17, and GS-18 other than those transferred to the Agency under this Act shall be as authorized by law.

(4) Any Agency officer or employee who has been separated under paragraph (1) or whose employment has been terminated under paragraph (2) may seek or accept employment in the Government if declared eligible for such employment by the United States Civil Service Commission; and that commission may place such officer or employee in a position in the competitive civil service in the same manner as an employee who is transferred between two positions in the competitive service, but only if such Agency officer or employee has served with the Agency for at least one year continuously immediately preceding separation or termination.

PROCUREMENT AUTHORITY

Sec. 422. (a) The Agency is authorized to procure such property, supplies, services, equipment and facilities as may be necessary to carry out its functions under this Act. Such property, supplies, services, equipment and facilities may include purchase or rental and operation of photographic reproduction, cryptographic, duplication and printing machines, equipment, and devices, and radio-receiving and radio sending equipment and devices, including telegraph and teletype equipment; rental of news-reporting services; purchase, maintenance, operation, repair, and hire of passenger motor vehicles, aircraft, and vessels of all kinds; printing and binding services; the purchase, maintenance, and cleaning of firearms, including purchase, storage, and maintenance of ammunition; association and library services and dues required by any such association; supplies, equipment and personnel and contract services otherwise authorized by law or regulations, whether applicable to this Agency or not, when the Director determines that such supplies, equipment or services are essential to the performance of the Agency's functions.

(b) The provisions of chapter 137, relating to the procurement of property and services, and chapter 139, relating to the procurement of research and development services, of title 10, United States Code, shall apply to the procurement of property and research and development services by the Agency under this title in the same manner and to the same extent such chapters apply to the procurement of property, services, and research and development services by the agencies named in section 2302(a) of chapter 137 of title 10, except that the Director is authorized to waive the application of any or all of the provisions of chapters 137 and 139 of title 10 when the Director deems such action necessary to the successful performance of any function of the Agency or to protect the security of activities of the Agency. Any waiver exercised by the Director under this section shall be reported to the



Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate together with the reasons for exercising such waiver.

(c) The Agency is further authorized to procure property, goods, or services, on the Agency's own behalf or on behalf of any other entity of the Intelligence Community, in such a manner that the role of the Agency or such other entity is not apparent or publicly acknowledged, if public knowledge that the Agency or such other entity is the procurer of the property, goods, or services will inhibit or interfere with the secure conduct of an authorized intelligence function. The procurement authority provided under this subsection may be exercised by the Agency only in accordance with section 139 of this Act but may be exercised notwithstanding any other provision of law and shall not otherwise be modified, limited, suspended, or superseded by any provision of law enacted after the effective date of this title unless such provision expressly cites this subsection.

RELATIONSHIPS WITH OTHER GOVERNMENT AGENCIES

Sec. 423. In addition to those activities of the Agency which relate to other departments and agencies and which are authorized in other provisions of this Act, the Agency is further authorized--

- (1) to seek assistance from state and local law enforcement agencies in the conduct of background and security investigations of applicants for employment with the Agency, contractors of the Agency, and employees of contractors of the Agency;
- (2) to provide technical guidance, training, and equipment, and, under exigent circumstances, expert personnel to any other entity of the Intelligence Community engaged in lawful intelligence activities;
- (3) to provide technical information to assist the Passport Office of the Department of State in carrying out its documentation responsibilities;
- (4) when extraordinary circumstances indicate that a foreign person associated with the Agency should enter or leave the United States under other than such person's true identity, to notify the Immigration and Naturalization Service of those circumstances and request a waiver of otherwise applicable rules and procedures;
- (5) when the Internal Revenue Service is auditing the tax returns of an Agency proprietary or of an individual operating under Agency cover, to notify the Internal Revenue Service of such proprietary's or individual's affiliation with the Agency and request that the audit be so conducted as to avoid public disclosure of that affiliation; and
- (6) to maintain liaison relationships with other departments and agencies.

ADMISSION OF ESSENTIAL ALIENS

Sec. 424. Whenever the Director, the Attorney General, and the Commissioner of Immigration and Naturalization determine that the entry of a particular alien into the United States for permanent residence is in the interest of national security or essential to national intelligence activities, such alien and his immediate family shall be given entry into the United States for permanent residence without regard to their inadmissibility under, or their failure to comply with, any immigration law of the United States or any other law or regulation, but in no case may the number of aliens and members of their immediate families who enter the United States under the authority of this section exceed one hundred in any one fiscal year.

AUTHORIZATIONS FOR APPROPRIATIONS AND EXPENDITURES

Sec. 425. (a) Notwithstanding any other provision of law, sums made available to the Agency by appropriation or otherwise may be expended for purposes necessary to carry out the lawful functions of the Agency. No funds may be expended for activities which have not been authorized by legislation enacted during the same or during one of the two immediately preceding fiscal years, except that this limitation shall not apply to funds appropriated by any continuing resolution.

(b) Whenever the Director determines such action to be necessary in the interest of the national security, the expenditure of funds appropriated or transferred to the Agency shall be accounted for solely on the certificate of the Director and every such certificate shall be deemed a sufficient voucher for the amount certified therein, but such expenditures shall be made only for activities authorized by law. The Director shall report on all expenditures made under authority of this subsection on a quarterly basis to the Committees on Appropriation of the Senate and House of Representatives, to the Permanent Select Committee on Intelligence of the House of Representatives, and to the Select Committee on Intelligence of the Senate.

(c) (1) The Director is authorized to establish and maintain a fund to be known as the Contingency Reserve Fund (hereinafter in this section referred to as the "Reserve Fund") and to credit to such Reserve Fund only monies specifically appropriated to the Central Intelligence Agency for such fund. The Director is authorized to expend funds from the Reserve Fund in any fiscal year for the payment of expenses incurred in connection with any national intelligence activity, counterintelligence activity, or counterterrorism activity if--

(A) the withdrawal of funds from the Reserve Fund and the proposed expenditure have been previously approved by the Office of Management and Budget;

(B) the Committee on Appropriations of the House of Representatives, the Committee on Appropriations of the Senate, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate have been notified of the facts and circumstances regarding such withdrawal and proposed expenditure at least 72 hours in advance of the withdrawal; except that in extraordinary circumstances the President may authorize the withdrawal of funds from the Reserve Fund without prior notification to the appropriate committees of the Congress if the President notifies such committees of the Congress within 48 hours after initiation of the withdrawal, describes the activity for which such funds have been or are to be expended, certifies to such committees that prior notification would have resulted in a delay which would have been harmful to the United States, and discloses to such committees the reasons why the delay would have been harmful. The foregoing shall not be construed as requiring the approval of any committee of the Congress prior to the initiation of any such activity; and

(C) the money from the Reserve Fund is used solely for the purpose of meeting requirements that were not anticipated at the time the President's budget was submitted to the Congress for such fiscal year, the purpose for which such money was used requires protection from unauthorized disclosure, and the activities to be funded are authorized by law.

(2) Monies from the Reserve Fund may be expended only for the specific purpose for which the withdrawal was approved under this subsection and any amount approved for expenditure but not actually expended for the specific purpose for which approved shall be returned to the Reserve Fund.

(3) No money may be expended and no financial obligation incurred for the initiation or major expansion of any activity to be funded from the Reserve Fund unless such expenditure or

financial obligation has been approved by the Director and the Director of the Office of Management and Budget.

(4) Any activity funded from the Reserve Fund that continues after the end of the fiscal year in which it was funded by monies from the Reserve Fund shall be funded thereafter through the regular budgetary process at the earliest practicable time.

GENERAL COUNSEL; INSPECTOR GENERAL

Sec. 426. (a) There shall be a General Counsel of the Agency appointed by the President, by and with the advice and consent of the Senate. The General Counsel shall serve as the principal legal adviser to the Director and shall have the responsibility and authority to--

(1) review all activities of the Agency and advise the Director whether such activities are in conformity with the Constitution and laws of the United States, executive orders, presidential directives and memoranda, and the rules, regulations, and policies of the Agency;

(2) review all proposed rules and regulations of the Agency, including but not limited to any rule or regulation proposed to implement the provisions of this Act, to insure that any such rule or regulation is in conformity with the Constitution and laws of the United States, executive orders, and presidential directives and memoranda;

(3) perform the same duties with respect to the Agency as the general counsel of each entity of the Intelligence Community is required to perform in the case of such entity by section 151 of this Act; and

(4) perform such additional duties as the Director may prescribe.

(b) There shall be an Inspector General of the Agency appointed by the Director. The Inspector General shall have the responsibility and authority to--

(1) investigate all activities of the Agency to determine in what respects the Agency may more effectively perform its lawful functions and to determine the facts and circumstances of any alleged wrongdoing;

(2) advise the Director and the General Counsel of the Agency of his findings regarding such activities;

(3) perform such other investigations as the Director deems necessary and appropriate consistent with the provisions of this Act;

(4) perform the same duties with respect to the Agency as the inspector general of each entity of the Intelligence Community is required to perform in the case of such entity by section 151 of this Act; and

(5) perform such other duties as the Director may prescribe.



PART D

CRIMINAL PENALTIES;  
RESTRICTIONS

CRIMINAL PENALTIES

Sec. 431. (a) Section 207 of title 18, United States Code, is amended by adding at the end thereof a new subsection as follows:

"(d) Whoever, having been an officer or employee of the Central Intelligence Agency and within two years after his employment with such Agency has ceased, knowingly participates in the liquidation, sale, or other disposition of a proprietary of the Central Intelligence Agency, either on his own behalf or as an agent or attorney for anyone other than the United States without a written waiver from the Director of the Central Intelligence Agency under section 139(a) of the National Intelligence Act of 1978, shall be fined not more than \$10,000 or imprisoned for not more than two years, or both. As used in this subsection, the term 'proprietary' shall have the same meaning as prescribed in section 403 of the Central Intelligence Agency Act of 1978."

(b) (1) Chapter 33 of title 18, United States Code, is amended by adding at the end thereof a new section as follows:

"Section 716. Misuse of the name, initials, or seal of the  
Central Intelligence Agency

"Any person who knowingly and without the express written permission of the Director of the Central Intelligence Agency uses the name 'Central Intelligence Agency', the initials 'CIA', the seal of the Central Intelligence Agency, or any colorable imitation of such name, initials, or seal in connection with any advertisement, book, circular, pamphlet, or other publication, play, motion picture, broadcast, telecast, or other production in a manner reasonably calculated to convey the impression that such use is approved, endorsed, or authorized by the Central Intelligence Agency shall be fined not more than \$20,000 or imprisoned not more than one year, or both."

(2) The table of sections at the beginning of chapter 33 of such title is amended by adding at the end thereof a new item as follows:

"716. Misuse of the name, initials, or seal of the Central Intelligence Agency."

(c) (1) Chapter 115 of title 18, United States Code, is amended by adding at the end thereof a new section as follows:

"Section 2392. Unauthorized disclosure of identity of secret agents

"(a) Any person who, having learned in the course of his official duties as an officer or employee of the United States the true identity of any officer or employee of the Central Intelligence Agency who is performing lawful functions for the Central Intelligence Agency under cover, knowingly communicates, furnishes, or otherwise discloses or makes available to any unauthorized person that identity in a manner which results in injury to or jeopardizes the safety of such officer or employee of the Central Intelligence Agency, or could reasonably have been expected to result in injury to or jeopardize the safety of such officer or employee of the Central Intelligence Agency, shall be fined not more than \$50,000 or imprisoned not more than five years, or both.

"(b) As used in subsection (a), the term 'cover' shall have the same meaning as prescribed in section 104 of the National Intelligence Act of 1978."

(2) The table of sections at the beginning of chapter 115 is amended by adding at the end thereof a new item as follows:

"2392. Unauthorized disclosure of identity of secret agents."

RESTRICTIONS

Sec. 432. (a) The authorities, duties, and responsibilities established in this title are subject to the procedures, prohibitions, and restrictions contained in titles II and III and in sections 131 through 139 of this Act.

(b) The Agency shall have no police, subpoena, or law enforcement powers, nor perform any internal security or criminal investigation functions except to the extent expressly authorized by this Act.

PART E

TRAVEL AND OTHER EXPENSES; RETIREMENT SYSTEM

TRAVEL, RELATED EXPENSES, AND DEATH GRATUITIES  
FOR CERTAIN AGENCY PERSONNEL

Sec. 441. (a) As used in this section --

(1) The term "employee" means any person employed by the Agency, but does not include, unless otherwise specifically indicated, any person working for the Agency under a contract or any person who when initially employed is a resident in or a citizen of a foreign country in which the station at which such person is to be assigned to duty is located.

(2) The term "foreign area" means any geographic area outside the United States.

(3) The term "United States" means the several states, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and the Canal Zone, but does not include Guam and other territories and possessions of the United States.

(b) Under such regulations as the Director of National Intelligence may approve --

(1) with respect to employees assigned to duty stations within the United States, the Agency may pay--

(A) travel, transportation, and subsistence expenses comparable to those provided for in chapter 57 of title 5, United States Code, and

(B) allowances in accordance with the provisions of chapter 59 of title 5, United States Code; and

(2) with respect to employees assigned to duty stations in any foreign area, the Agency may provide allowances in accordance with the provisions of chapter 59 of title 5, United States Code, allowances and other benefits in the same manner and under the same circumstances such allowances and other benefits are provided employees of the Foreign Service under title IX of the Foreign Service

Act of 1946 (22 U.S.C. 1131-1158), and death gratuities in the same manner and under the same circumstances such gratuities are provided employees of the Foreign Service under section 14 of the Act entitled "An Act to provide certain basic authority for the Department of State", approved August 1, 1956 (22 U.S.C. 2679a).

(c) (1) Whenever any provision of law relating to travel and related expenses or death gratuities of employees of the Foreign Service is enacted after the date of enactment of this Act, is not enacted as an amendment to one of the provisions referred to in subsection (b) (2) of this section, and the President determines that it would be appropriate for the purpose of maintaining conformity between provisions of law relating to travel and related expenses and death gratuities of the Foreign Service and provisions of law relating to travel and related expenses and death gratuities of employees of the Agency, the President may, by executive order, extend in whole or in part to employees of the Agency the allowances and benefits applicable to employees of the Foreign Service by such provision of law.

(2) Any such executive order issued pursuant to this subsection shall have the force and effect of law and may be given retroactive effect to a date not earlier than the effective date of the corresponding provisions of law relating to Foreign Service personnel. Any such order shall modify, supersede, or render inapplicable, as the case may be, to the extent inconsistent therewith --

(A) all provisions of law relating to travel, related expenses, and death gratuities of employees of the Agency enacted prior to the effective date of the provisions of such executive order, and

(B) any provision of any prior executive order issued under authority of this section.

(3) An executive order issued under the authority of this subsection may not become effective until the expiration of at least 60 days after the President submits the proposed order to

those committees of the Senate and House of Representatives having jurisdiction over the subject matter of the order.

(d) (1) Notwithstanding the provisions of subsections (b) and (c), and under such regulations as the Director of National Intelligence shall approve, the Agency may pay expenses, benefits, and allowances equivalent to those specifically authorized in subsections (b) and (c), in any case in which the Director determines that, for reasons of operational necessity or security, the means of paying expenses, benefits, and allowances authorized in subsections (b) and (c), should not be utilized.

(2) The Director shall annually inform the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate of any expenditures made under this subsection and the reasons therefor.

RETIREMENT SYSTEM

Sec. 442. Employees of the Agency shall participate in the regular Federal civil service retirement system pursuant to subchapter III of chapter 83 of title 5, United States Code. The Director may, however, continue to designate for participation in the Central Intelligence Agency Retirement and Disability System, authorized by the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (78 Stat. 1043; 50 U.S.C. 403 note), certain employees of the Agency whose duties are either (1) in support of Agency activities abroad and are hazardous to life or health, or (2) so specialized as to be clearly distinguishable from normal government employment; but the number of employees of the Agency which may retire on an annuity under such system in any period may not exceed the limits prescribed by law.

PART F

TRANSFER OF PERSONNEL, PROPERTY, AND FUNCTIONS;  
STATUTES REPEALED

TRANSFER OF PERSONNEL, PROPERTY, AND FUNCTIONS

Sec. 451. (a) All positions established in and personnel employed by the Central Intelligence Agency as in effect on the day before the effective date of this title, and all obligations, contracts, properties, and records employed, held, or used primarily in connection with any function to be performed by the Agency under this title, are transferred to the Director.

(b) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges which have become effective in the exercise of functions transferred under this title and which are in effect on the day before the effective date of this title, shall continue in effect until modified, terminated, superseded, set aside, or repealed by the Director or other properly designated Agency official, by any court of competent jurisdiction, or by operation of law.

(c) The provisions of this title shall not affect any proceedings pending before the Central Intelligence Agency as in effect prior to the effective date of this title.

(d) No suit, action, or other proceeding begun by or against any officer in his official capacity in the Central Intelligence Agency, as in effect prior to the effective date of this title, shall abate by reason of enactment of this title.

(e) With respect to any function transferred by this title and exercised after the effective date of this title, reference in any other Federal law to any department, agency, office, or part thereof shall be deemed to refer to the department, agency, or office in which such function is vested pursuant to this title.



STATUTES REPEALED

Sec. 452. Section 102 of the National Security Act of 1947  
(50 U.S.C. 403) and the Central Intelligence Agency Act of 1949  
(50 U.S.C. 403a-403j) are repealed.

27 JAN 78

1.7

Sec. 401: This title may be cited as the "Central

1.11

Intelligence Agency Act of 1978."

1.12

## STATEMENT OF PURPOSES

2.2

Sec. 402. It is the purpose of this Act--

2.6

(1) to clarify the statutory authorities, functions, and responsibilities of the Central Intelligence Agency;

2.7/1

2.11

(2) to authorize the Central Intelligence Agency to perform those foreign intelligence, counterintelligence, and counterterrorism activities which are necessary for the conduct of the foreign relations and the protection of the national security of the United States;

2.13

2.14

2.15

(3) to ensure that the foreign intelligence, counterintelligence, and counterterrorism activities of the Central Intelligence Agency are properly and effectively directed, regulated, coordinated, and administered:

2.17

2.18

(4) to ensure that the Central Intelligence Agency is accountable to the President, the Congress, and the people of the United States, and that the foreign intelligence, counterintelligence, and counterterrorism activities of the Central Intelligence Agency are conducted in a manner consistent with the Constitution and laws of the United States and so as not to abridge any right guaranteed or protected by the Constitution or laws of the United States.

2.24

2.24/1

2.24/2

2.28

2.29

2.30

## DEFINITIONS

3.2

Sec. 403. (a) Except as otherwise provided in this 3.6  
section, the definitions in Title I, the National Intelligence 3.7  
Act of 1977, shall apply to this title.

(b) As used in this title-- 3.9

(1) The term "cover" refers to any means by which the 3.13  
true identify or affiliation with the Central Intelligence 3.14  
Agency of an activity, officer, employee, or agent of the 3.15  
Central Intelligence Agency, or of a related corporation or  
organization is disguised.

(2) The term "proprietary" means a sole 3.18  
proprietorship, partnership, corporation or other business 3.19  
entity owned or controlled by the Central Intelligence  
Agency and doing business under private commercial cover. 3.20

## DIRECTION OF THE CIA; DUTIES OF THE DIRECTOR 4.2

Sec. 404. (a) The Central Intelligence Agency (hereinafter 4.6  
in this title referred to as the "Agency"), as established by the 4.7  
National Security Act of 1947, shall be under the direction and 4.8  
control of the National Security Council.

(b) There shall be at the head of the Agency a Director of 4.10  
the Central Intelligence Agency (hereinafter in this title 4.11  
referred to as the "Director"). The Director of National 4.12  
Intelligence, or, in accordance with section 110 of this Act, the 4.13  
Deputy Director of National Intelligence or an Assistant Director  
of National Intelligence, shall act as the Director. In the 4.14  
event that the Director and the Director of National Intelligence 4.15  
are not one and the same person, the Director shall be subject to 4.16  
the supervision of, and responsive to intelligence plans, 4.17  
objectives, and requirements established by, the Director of  
National Intelligence. 4.18

(c) It shall be the duty of the Director to -- 4.21

(1) ensure that the functions of the Agency are 4.23  
performed in conformity with the Constitution and laws of 4.24  
the United States, and that the performance of those 4.25  
functions does not abridge any right guaranteed or protected 4.26  
by the Constitution or laws of the United States;

(2) ensure that the activities of the Agency are 4.28  
properly and efficiently directed, regulated, coordinated, 4.29  
and administered; and

(3) perform the duties assigned elsewhere in this Act 4.31  
to the head of each entity of the Intelligence Community. 4.32

(d) (1) The Director is authorized to establish such 4.34  
committees or boards, composed of officers and employees of 4.35  
the United States, as may be necessary to carry out 4.36  
effectively the provisions of this title.

(2) The Director is also authorized to establish such 4.38  
advisory committees as may be necessary to provide expert 4.39  
advice regarding the administration of this title. The 4.40  
provisions of the Federal Advisory Committee Act (86 Stat. 4.41  
770) shall apply with respect to any advisory committee 4.42

established by the Director under authority of this section  
except that the Director may waive the application of any or 4.43  
all of the provisions of such Act when the Director deems 4.44  
such action necessary to the successful performance of the 4.45  
functions of the Agency or to protect the security of the 4.46  
activities of the Agency. Any waiver exercised by the 4.47  
Director under this subsection shall be reported to the 4.48  
committees of the Congress having jurisdiction over matters  
relating to foreign intelligence activities and the names of 4.49  
all persons appointed to serve on such advisory committees 4.50  
shall be reported to such committees of the Congress. 4.51

(e) Notwithstanding any other provision of law, the 4.53  
Director may terminate the employment of any officer or employee 4.54  
of the Central Intelligence Agency whenever the Director 4.55  
considers such termination necessary or advisable in the 4.56  
interests of the national security of the United States. The  
Director shall report to the Permanent Select Committee on 4.57  
Intelligence of the House of Representatives and the Select 4.58  
Committee on Intelligence of the Senate, in a timely manner, any 4.59  
exercise of the Director's authority under this paragraph. The 4.60  
termination of the employment of any officer or employee under  
authority of this paragraph shall not affect the right of such 4.61  
officer or employee to seek or accept employment elsewhere in the 4.62  
Government if declared eligible for such employment by the United 4.63  
States Civil Service Commission.

## FUNCTIONS

5.2

Sec. 405. (a) All activities, duties, and responsibilities 5.6  
of the Agency shall be related to the intelligence functions set 5.7  
out in this section, and shall be performed in accordance with 5.8  
this Act.

(b) The Agency shall collect foreign intelligence, 5.10  
including -- 5.11

(1) The collection of foreign intelligence from 5.13  
publicly available sources and from any person willing 5.14  
voluntarily to provide such intelligence; 5.15

(2) When the information sought is not publicly 5.17  
available, the collection of foreign intelligence by 5.18  
clandestine means abroad and, when integrally and 5.19  
exclusively related to Agency activities outside the United 5.20  
States, from foreign persons within the United States; and

(3) The development and provision of support for 5.22  
technical and other programs which collect national 5.23  
intelligence abroad.

(c) The Agency shall produce, analyze and disseminate 5.24/1  
foreign intelligence necessary to meet the needs of the 5.24/2  
President, the National Security Council, the Congress and other 5.27  
departments and agencies of the Government, and shall provide  
such support as the Director of National Intelligence requires 5.28  
for the production of national intelligence estimates and similar 5.29  
intelligence community-coordinated analyses. 5.30

(d) The Agency shall conduct special activities in support 5.32  
of national foreign policy objectives. 5.33

(e) The Agency shall conduct counterintelligence and 5.35  
counterterrorism activities, including -- 5.36

(1) The conduct of counterintelligence and 5.38  
counterterrorism activities outside the United States; 5.39

(2) The conduct of such counterintelligence and 5.41  
counterterrorism activities within the United States as are 5.42  
integrally related to counterintelligence or 5.43  
counterterrorism activities of the Agency outside the United 5.44  
States;

(3) The coordination of counterintelligence and 5.46  
counterterrorism activities outside the United States by any 5.47  
other entity of the intelligence community; and 5.48

(4) The production and dissemination of 5.50  
counterintelligence and counterterrorism studies and 5.51  
reports.

(f) The Agency shall, under the directions and control of 5.53  
the Director of National Intelligence, coordinate all collection 5.54  
outside the United States of foreign intelligence, 5.55  
counterintelligence, and counterterrorism intelligence by 5.56  
clandestine means utilizing human sources.

(g) The Agency shall also -- 5.59

(1) Conduct or contract for research, development, 5.61  
and procurement of technical systems and devices relating to 5.62  
authorized functions;

(2) Conduct services of common concern for the 5.64  
intelligence community as directed by the Director of 5.65  
National Intelligence;

(3) Conduct such liaison with foreign governmental 5.67  
agencies as may be authorized by the Director of National 5.68  
Intelligence; and

(4) Provide legal and legislative services and other 5.70  
administrative support to the Office of the Director of 5.71  
National Intelligence.

(h) (1) All Agency activities within the United States 5.73  
involving the collection of intelligence and all Agency 5.74  
counterintelligence and counterterrorism activities within 5.75  
the United States shall be conducted in coordination with 6.1  
the Federal Bureau of Investigation and in accordance with 6.2  
procedures agreed upon by the Attorney General and the 6.3  
Director of National Intelligence.

(2) The Director of National Intelligence and the 6.5  
Attorney General shall conduct a review, at least annually, 6.6  
of all Agency activities within the United States for the 6.7  
purpose of ensuring that such activities do not violate any 6.8  
right guaranteed or protected by the Constitution or laws of 6.9



the United States, determining the necessity for continuing 6.10  
such activities, and making recommendations to the  
President, the National Security Council, and the 6.11  
appropriate committees of the Congress. 6.12

*Line 7.12 page 9  
Should the word be  
authorized rather than approved*

*Line 5.64  
Should "Common Concern"  
be clarified?*

## AGENCY POWERS

7.2

Sec. 406. (a) In carrying out its functions under this 7.6  
Act, the Agency is authorized to-- 7.7

(1) transfer to and receive from other departments 7.9  
and agencies for the sole purpose of carrying out functions 7.10  
authorized by this title, such sums of money as may be 7.11  
approved by the Director of National Intelligence and the 7.12  
Director of the Office of Management and Budget, and sums so 7.15  
transferred to the Agency may be expended by the Agency  
without regard to limitations on appropriations from which 7.16  
transferred but only when the Director certifies in writing 7.17  
that such limitation would unduly impede the performance of 7.18  
a function authorized by this title and transmits such 7.19  
written certification to the appropriate committees of the 7.20  
Congress;

(2) exchange funds without regard to the provisions 7.22  
of section 3651 of the Revised Statutes (31 U.S.C. 543); 7.23

(3) reimburse other departments and agencies for the 7.25  
services of personnel assigned or loaned to the Agency; 7.26

(4) reimburse other departments and agencies for 7.28  
expenses incurred when Agency personnel are assigned to such 7.29  
departments and agencies for cover purposes; 7.30

(5) rent any premises necessary to carry out any 7.32  
function of the Agency authorized under this Act, and make 7.33  
alterations, improvements, and repairs to premises of or  
rented by the Agency without regard to any limitation 7.35  
prescribed by law if the Director (A) certifies to the 7.36  
Director of National Intelligence that a waiver of the  
limitation otherwise applicable to the renting, alteration, 7.37  
improvement, or repair, as the case may be, of premises is 7.38  
necessary to the successful performance of the Agency's 7.39  
functions or the security of its activities, and (B)  
promptly notifies the committees of Congress having 7.40  
jurisdiction over the Agency of the waiver and of the 7.41  
reasons for exercising such waiver;

(6) appoint such personnel as it deems advisable, 7.43  
without regard to the provisions of title 5, United States 7.44  
Code, governing appointments in the competitive services, 7.45  
and fix the compensation of such personnel without regard to 7.46  
the provisions of chapter 51 and subchapter III of chapter  
53 of that title, relating to classification and General 7.47  
Schedule pay rates, but at rates not in excess of the rate 7.48  
authorized for GS-18 by section 5332 of that title; 7.49

(7) establish, maintain, and operate secure 7.51  
communications systems in support of Agency operations and, 7.52  
as a service of common concern, establish, maintain, and  
operate such secure communications systems as may be 7.53  
required for the use of other departments and agencies; 7.54

(8) perform inspection, audit, public affairs, legal, 7.55/1  
and legislative services; 7.55/2

(9) establish, furnish, and maintain secure cover for 7.56  
Agency officers, employees, and agents. The Agency may not 7.57  
use for these purposes an affiliation, real or ostensible, 7.58  
with any United States religious organization, any United  
States media organization, any United States charitable or 7.59  
educational foundation, any United States university or 7.60  
college, with the Peace Corps or any United States  
Government program designed to promote education, the arts, 7.60/1  
humanities, or cultural affairs;

(10) establish and operate proprietaries to support 7.67  
Agency operations. 7.68

(11) protect, in accordance with standards 7.69/1  
established by the Director of National Intelligence under 7.69/2  
section 108(1) and with any other applicable law, or 7.69/3  
Executive order, materials and information related to 7.69/4  
intelligence sources and methods; and

(12) perform such additional functions as are 7.69/6  
otherwise authorized by this Act for each entity of the 7.69/7  
intelligence community;

(b) Notwithstanding the provisions of section 3678 of the 7.71  
Revised Statutes (31 U.S.C. 628) or any provision of law enacted 7.72

line 8.29 page 11  
add after Treasury except when  
such funds are utilized.  
for a replacement in kind  
and approved by the Director."

after the effective date of this title, unless such subsequently 7.73  
enacted provision expressly cites this subsection, any department 7.74  
or agency may transfer to or receive from the Agency any sum of  
money approved by the Director of National Intelligence and the 7.75  
Director of the Office of Management and Budget for use in 8.1  
carrying out any function authorized by this title. 8.2

(c) Notwithstanding any other provision of law, any 8.4  
department or agency is authorized to assign or loan to the 8.5  
Agency any officer or employee of such department or agency to 8.6  
assist the Agency in carrying out any function of the Agency 8.7  
authorized by this title. In any case in which any officer or  
employee of another department or agency is assigned or loaned to 8.8  
the Agency in a manner that would be prohibited except for this 8.10  
subsection, the Agency shall report the details of such  
assignment or loan to the appropriate committees of the Congress. 8.11

(d) (1) Any proprietary established and operated by the 8.15  
Agency may be operated on a commercial basis to the extent 8.16  
necessary to provide effective cover. Any funds generated 8.17  
by any such proprietary in excess of the amount necessary 8.18  
for its normal operational requirements shall be deposited  
by the Director into miscellaneous receipts of the Treasury. 8.19

(2) Whenever any Agency proprietary whose net value 8.21  
exceeds \$50,000, is to be liquidated, sold, or otherwise 8.22  
disposed of, the Agency shall, as much in advance of the  
liquidation, sale, or other disposition of the proprietary 8.23  
as practicable and subject to such security standards as the 8.24  
Director and Attorney General shall agree upon, report the 8.25  
circumstances of the intended liquidation, sale, or other 8.26  
disposition to the Attorney General and the Comptroller  
General of the United States. Any proceeds from any 8.27  
liquidation, sale, or other disposition of any Agency 8.28  
proprietary, in whatever amount, shall be deposited by the  
Director into miscellaneous receipts of the Treasury. 8.29

(e) The authority contained in clauses (9) and (10) of 8.31  
subsection (a) shall be available to the Agency notwithstanding 8.32  
any other provision of law and shall not be modified, limited, 8.33

suspended, or superseded by any provision of law enacted after 8.34  
the effective date of this title unless such provision expressly 8.35  
cites the specific provision of subsection (a) intended to be so  
modified, limited, suspended, or superseded. 8.36

(f) The Agency may continue to use the seal of office used 8.38  
by the Central Intelligence Agency prior to the effective date of 8.39  
this title and judicial notice shall be taken of such seal. 8.40

(g) Subject to the provisions of section 125(a) of this 8.42  
Act, no provision of law shall be construed to require the 8.43  
Director or any other officer or employee of the United States to 8.44  
disclose the organization, function, name, official title,  
salary, or affiliation with the Central Intelligence Agency of 8.45  
any person employed by the Agency, or the number of persons 8.46  
employed by the Agency, unless such provision specifically 8.47  
requires such disclosure and expressly cites this section.

*Lines 9.7, 9.12 + 9.22*

*Property should be defined  
to include both "real" and  
"personal"*

## PROCUREMENT AUTHORITY

9.2

Sec. 407. (a) The Agency is authorized to procure such 9.6  
property, services, equipment and facilities as may be necessary 9.7  
to carry out its functions under this title. The provisions of 9.8  
chapters 137 and 139 of title 10, United States Code, relating to 9.9  
the procurement of property, services, and research and  
development activities, shall apply to the procurement of 9.10  
property and research and development activities by the Agency 9.11  
under this title in the same manner and to the same extent such  
chapters apply to the procurement of property, services, and 9.12  
research and development activities by the agencies named in 9.13  
section 2302(a) of chapter 137 of title 10, except that the 9.14  
Director is authorized to waive the application of any or all of 9.16  
the provisions of chapters 137 and 139 of title 10 when the  
Director deems such action necessary to the successful 9.17  
performance of any function of the Agency or to protect the  
security of activities of the Agency. Any waiver exercised by 9.18  
the Director under this section shall be reported to the 9.19  
committees of the Congress having jurisdiction over the Agency  
together with the reasons for exercising such waiver. 9.20

(b) The Agency is further authorized to procure property, 9.22  
goods, or services in such a manner that the role of the Agency 9.23  
is not apparent or publicly acknowledged if public knowledge that 9.24  
the Agency is the procurer of the property, goods, or services  
will inhibit or interfere with the secure conduct of an 9.25  
authorized Agency function. The procurement authority provided 9.26  
under this subsection may be exercised by the Agency  
notwithstanding any other provision of law and shall not be 9.27  
modified, limited, suspended, or superseded by any provision of  
law enacted after the effective date of this title unless such 9.28  
provision expressly cites this subsection.

## AUTHORIZATIONS FOR APPROPRIATIONS AND EXPENDITURES 10.2

Sec. 408. (a) Notwithstanding any other provision of law, 10.6  
 sums made available to the Agency by appropriation or otherwise 10.7  
 may be expended for purposes necessary to carry out the lawful  
 functions of the Agency. No funds may be expended for activities 10.8  
 which have not been authorized by a law enacted during the same 10.8/1  
 or immediately preceding fiscal year, except that this limitation  
 shall not apply to funds appropriated by any continuing 10.8/2  
 resolution. Such purposes may include --

(1) supplies, equipment, and personnel and 10.10  
 contractual services otherwise authorized by law or 10.11  
 regulation, when approved by the Director;

(2) training of Agency personnel and personnel of 10.12/1  
 other departments and agencies, as appropriate: 10.12/2

(3) personal services, including personal services 10.13  
 without regard to limitations on types of persons to be 10.14  
 employed, and rent at the seat of government and elsewhere;  
 lease of buildings to the Government without regard to the 10.15  
 limitations prescribed in section 322 of the Act entitled 10.16  
 "An Act making appropriations for the Legislative Branch of  
 the Government for the fiscal year ending June 30, 1933, and 10.17  
 for other purposes", approved June 30, 1932 (40 U.S.C. 10.18  
 278a); health-service programs as authorized by section 7901  
 of title 5, United States Code; rental of news-reporting 10.19  
 services; purchase or rental and operation of photographic  
 reproduction, cryptographic, duplication and printing 10.20  
 machines, equipment, and devices, and radio-receiving and  
 radio-sending equipment and devices, including telegraph and 10.21  
 teletype equipment; purchase, maintenance, operation, 10.22  
 repair, and hire of passenger motor vehicles, aircraft, and 10.23  
 vessels of all kinds; subject to policies established by the  
 Director, transportation of officers and employees of the 10.24  
 Agency in Government-owned automotive equipment between 10.25  
 their domiciles and places of employment where such  
 personnel are engaged in work which makes such 10.25/1  
 transportation necessary, and transportation in such



equipment, to and from school, of children of Agency 10.27  
personnel who have quarters for themselves and their  
families at isolated stations outside the continental United 10.28  
States where adequate public or private transportation is 10.29  
not available; printing and binding; purchase, maintenance,  
and cleaning of firearms, including purchase, storage, and 10.30  
maintenance of ammunition; subject to policies established  
by the Director, expenses of travel in connection with, and 10.31  
expenses incident to attendance at meetings of professional, 10.32  
technical, scientific, and other similar organizations when  
such attendance would be a benefit in the conduct of the 10.33  
work of the Agency; association and library dues; settlement 10.34  
and payment of claims of civilian and military personnel, as  
prescribed in Agency regulations consistent with the terms 10.35  
and conditions by which claims are settled and paid under 10.36  
the Military Personnel and Civilian Employees' Claims Act of  
1964 (31 U.S.C. 240-243); acquisition, construction and 10.37  
alteration of buildings and facilities without regard to the  
Public Buildings Act of 1959 (40 U.S.C. 601-615); and 10.38  
repair, rental, operation, and maintenance of buildings, 10.38/1  
utilities, facilities, and appurtenances.

(b) The Director may expend any funds appropriated or 10.44  
transferred to the Agency for the purpose of meeting emergency 10.45  
and extraordinary expenses. The expenditure of such funds for 10.46  
such purposes shall be accounted for solely on the certificate of 10.47  
the Director and every such certificate shall be deemed a  
sufficient voucher for the amount certified therein, but such 10.48  
expenditures may only be for activities authorized by law. The 10.49  
Director shall report all expenditures made under authority of 10.50  
this subsection on a quarterly basis to the Committees on 10.51  
Appropriation of the Senate and House of Representatives, to the 10.52  
Permanent Select Committee on Intelligence of the House of  
Representatives, and to the Select Committee on Intelligence of 10.53  
the Senate.

GENERAL COUNSEL; INSPECTOR GENERAL; AND OTHER OFFICES	11.3 11.4
<sup>09</sup> Sec. 410. (a) There shall be a General Counsel of the	11.8
Agency appointed by the President, <u>by</u> and with the advice and	11.9
consent of the Senate. The General Counsel shall serve as the	
principal legal adviser to the Director and shall have the	11.10
responsibility and <u>authority</u> to --	11.11
(1) review all activities of the Agency and advise	11.13
the Director whether such <u>activities</u> are in conformity with	11.14
the Constitution and laws of the United States, <u>executive</u>	11.15
orders, presidential directives and memoranda, and the	
rules, regulations, <u>and</u> policies of the Agency;	11.16
(2) review all proposed rules and regulations of the	11.18
Agency, including but <u>not</u> limited to any rule or regulation	11.19
proposed to implement the provisions of this <u>Act</u> , to insure	11.20
that any such rule or regulation is in conformity with the	
Constitution <u>and</u> laws of the United States, executive	11.21
orders, and presidential directives and <u>memoranda</u> ;	11.22
(3) perform the duties assigned to the General	11.24
Counsel of each entity of the <u>Intelligence Community</u> by	11.25
section 124 of this Act; and	
(4) perform such additional duties as the Director	11.27
may <u>prescribe</u> .	11.28
(b) There shall be an Inspector General of the Agency	11.30
appointed by the Director. <u>The</u> Inspector General shall have the	11.31
responsibility and authority to --	
(1) investigate all activities of the Agency to	11.33
determine in what <u>respects</u> the Agency may more effectively	11.34
perform its lawful functions and to <u>determine</u> the facts and	11.35
circumstances of any alleged wrongdoing;	
(2) advise the Director and the General Counsel of	11.37
the Agency of <u>his</u> findings regarding such activities;	11.38
(3) perform the duties assigned to the Inspector	11.40
General of each <u>entity</u> of the Intelligence Community by	11.41
section 124 of this Act;	

(4) perform such other investigations as the Director 11.43  
deems necessary and appropriate subject to the provisions of 11.44  
this Act; and

(5) perform such other duties as the Director may 11.46  
prescribe. 11.47

(c) (1) Subject to the provisions of paragraph (2), the 11.49  
Director may appoint such other subordinate officials to 11.50  
assist him in the performance of his duties as he deems 11.51  
appropriate.

(2) Executive schedule positions within the Agency in 11.53  
addition to those of Director, General Counsel, and 11.54  
Inspector General and any positions in the grades of GS-16, 11.55  
GS-17, and GS-18 other than those transferred to the Agency 11.56  
under this Act shall be as authorized by law.

(3) Section 5315 of title 5, United States Code, is 11.58  
amended by adding at the end thereof: 11.59

"General Counsel, Central Intelligence Agency. 11.63  
Inspector General, Central Intelligence Agency."

## CONFLICTS OF INTEREST

10  
Sec. 411. Officers and employees of the Agency shall be  
subject to all laws, regulations, executive orders and directives  
relating to conflicts of interest and the misuse of information  
obtained in the course of their official duties, and the  
Director, subject to policy guidance of the Attorney General,  
shall issue regulations necessary to implement such laws,  
regulations, executive orders and directives. Notwithstanding  
the foregoing sentence, the Director is authorized to waive the  
application of any such law, regulation, executive order or  
directive when he deems such action necessary because of the  
unique function and mission of the Agency, but such a waiver may  
be granted by the Director in any case only with the written  
approval of the Attorney General and only after the Director has  
notified the committees of the Congress having jurisdiction over  
the Agency that such waiver is to be made and the reasons  
therefor.

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## ADMISSION OF ESSENTIAL ALIENS

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Sec. 412. Whenever the Director, the Attorney General, and 13.6  
the Commissioner of Immigration shall determine that the entry of 13.7  
a particular alien into the United States for permanent residence 13.8  
is in the interest of national security or essential to national 13.9  
intelligence activities, such alien and his immediate family 13.10  
shall be given entry into the United States for permanent 13.11  
residence without regard to their inadmissibility under, or their 13.12  
failure to comply with, any immigration law of the United States  
or any other law or regulation, but in no case may the number of 13.13  
aliens and members of their immediate families who enter the 13.14  
United States under the authority of this section exceed one 13.15  
hundred in any one fiscal year. 13.16

## RESTRICTIONS

14.2

Sec. 413.<sup>2</sup> (a) The authorities, duties, and 14.6  
responsibilities established in this Title are subject to the 14.7  
restrictions of sections 115-122 and Title II of this Act. 14.8

(b) The Agency shall have no police, subpoena, or law 14.10  
enforcement powers, nor perform any internal security or criminal 14.11  
investigation functions except to the extent expressly authorized 14.12  
by this Act.

## CRIMINAL PENALTIES

15.2

Sec. 414.<sup>3</sup> (a) Any person who, having learned in the course 15.5/1  
of his official duties the true identity of any officer or 15.5/2  
employee of the Agency who is performing Agency functions under 15.5/3  
cover knowingly communicates, furnishes, or otherwise makes 15.7  
available to any unauthorized person that identity in a manner 15.10  
which results in injury to or seriously jeopardizes the safety of  
such officer or employee, or as could reasonably have been 15.11  
expected to result in injury to or jeopardize the safety of such 15.12  
officer or employee, shall be fined not more than \$20,000 or 15.13  
imprisoned not more than ten years, or both.

(b) Section 207 of title 18, United States Code, is amended 15.15  
by adding the following subsection: 15.16

"(d) Whoever, having been an officer or employee of 15.18  
the Central Intelligence Agency and within two years after 15.19  
his employment with such Agency has ceased, knowingly  
participates, without obtaining a written waiver from the 15.19/1  
Director of National Intelligence pursuant to section 411 of 15.19/2  
the National Intelligence Reorganization Act of 1977, in the 15.20  
liquidation, sale, or other disposition of a proprietary of  
such Agency, either on his own behalf or as an agent or 15.21  
attorney for anyone other than the United States, shall be 15.22  
fined not more than \$10,000 or imprisoned for not more than  
two years, or both. As used in this subsection, the term 15.23  
'proprietary' shall have the same meaning as prescribed in 15.24  
section 403 of the National Intelligence Reorganization Act  
of 1977."

(c) Any person who knowingly and without the written 15.26  
permission of the Director uses the words "Central Intelligence 15.27  
Agency," the initials "CIA," the seal of the Central Intelligence 15.28  
Agency, or any colorable imitation of such words, initials or  
seal in connection with any advertisement, book, circular, 15.29  
pamphlet or other publication, play, motion picture, broadcast, 15.30  
telecast or other production in a manner reasonably calculated to 15.31  
convey the impression that such use is approved, endorsed or 15.32

authorized by the Agency, shall be fined not more than \$10,000 or  
imprisoned not more than five years, or both.

15.33



TRAVEL, RELATED EXPENSES, AND DEATH GRATUITIES 16.3  
FOR CERTAIN AGENCY PERSONNEL 16.4

↓  
Sec. 417. (a) Definitions. As used in this section -- 16.9

(1) the term "employee" means any person employed by 16.11  
the Agency, but does not include, unless otherwise 16.12  
specifically indicated, any person working for the Agency 16.13  
under a contract or any person who when initially employed 16.14  
is a resident in or citizen of a foreign country in which  
the station at which such person is to be assigned to duty 16.15  
is located.

(2) the term "foreign area" means any geographic area 16.17  
outside the United States. 16.18

(3) the term "United States" means the several 16.20  
states, the District of Columbia, the Commonwealth of Puerto 16.21  
Rico, the Territory of the Virgin Islands, and the Canal 16.22  
Zone, but does not include Guam and other territories and 16.23  
possessions of the United States. 16.24

(b) Under such regulations as the Director of National 16.26  
Intelligence shall approve -- 16.27

(1) with respect to employees assigned to duty 16.29  
stations within the United States, the Agency may pay: 16.30

(A) travel, transportation, and subsistence 16.32  
expenses in accordance with the provisions of chapter 16.33  
57 of title 5, United States Code, and 16.34

(B) allowances in accordance with the 16.36  
provisions of chapter 59 of title 5, United States 16.37  
Code.

(2) with respect to employees assigned to duty 16.39  
stations in any foreign area, the Agency may provide 16.40  
allowances in accordance with the provisions of chapter 59 16.41  
of title 5, United States Code, allowances and other 16.42  
benefits in the same manner and under the same circumstances  
such allowances and other benefits are provided employees of 16.43  
the Foreign Service under title IX of the Foreign Service 16.44  
Act of 1946 (22 U.S.C. 1131-1158), and death gratuities in 16.45  
the same manner and under the same circumstances such 16.46  
gratuities are provided employees of the Foreign Service 16.47

under section 14 of the Act entitled "An Act to provide  
certain basic authority for the Department of State", 16.48  
approved August 1, 1956 (22 U.S.C. 2679a) . 16.49

(c) (1) Whenever any provision of law relating to travel 16.51  
and related expenses or death gratuities of employees of the 16.52  
Foreign Service, other than those provisions referred to in 16.53  
paragraph (b) (2) above, is added or amended after the date 16.54  
of enactment of this Act and the President determines that 16.55  
it would be appropriate for the purpose of maintaining  
conformity between provisions of law relating to travel and 16.56  
related expenses and death gratuities of the Foreign Service 16.57  
and provisions of law relating to travel and related 16.58  
expenses and death gratuities of employees of the Agency, 16.59  
the President may, by Executive Order, extend in whole or in 16.60  
part to employees of the Agency any such allowances or  
benefits applicable to employees of the Foreign Service. 16.61

(2) Any provisions of an Executive Order issued 16.63  
pursuant to this subsection shall have the force and effect 16.64  
of law and shall be given retroactive effect to a date not 16.65  
earlier than the effective date of the corresponding 16.66  
provisions of law relating to Foreign Service personnel.  
Any such order shall modify, supersede, or render 16.67  
inapplicable, as the case may be, to the extent inconsistent 16.68  
therewith --

(A) all provisions of law relating to travel, 16.70  
related expenses and death gratuities of employees of 16.71  
the Agency enacted prior to the effective date of the 16.72  
provisions of such Executive orders, and 16.73

(B) any provision of any prior Executive Order 16.75  
issued under authority of this section. 17.1

(3) An Executive Order under this subsection may not 17.3  
become effective until the expiration of at least 60 days 17.4  
after the President submits the proposed order to those 17.5  
committees of the Senate and House of Representatives having 17.6  
jurisdiction over the subject matter of the orders. 17.7

(d) (1) Notwithstanding the provisions of subsection (b) 17.9  
and (c) of this section, and under such regulations as the 17.10  
Director of National Intelligence shall approve, the Agency 17.11  
may pay benefits to employees comparable to those 17.12  
specifically authorized in this section when it is 17.13  
determined by the Director that such action is essential for  
reasons of operational necessity or security. 17.14

(2) The Director shall annually inform the Permanent 17.16  
Select Committee on Intelligence of the House of 17.17  
Representatives and the Select Committee on Intelligence of 17.18  
the Senate of any expenditures made under this subsection 17.19  
and the reasons therefor.

## RETIREMENT SYSTEM

18.2

Sec. 418. Employees of the Agency shall participate in the regular Federal civil service retirement system pursuant to subchapter III of chapter 83 of title 5, United States Code. The Director may, however, continue to designate for participation in the Central Intelligence Agency Retirement and Disability System, authorized by the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (78 Stat. 1043; 50 U.S.C. 403 note), certain employees of the Agency whose duties are either (1) in support of Agency activities abroad and are highly hazardous to life or health or (2) so specialized as to be clearly distinguishable from normal government employment; but the number of employees of the Agency which may retire on an annuity under such system in any period may not exceed the limits prescribed by law.

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## TRANSFER OF PERSONNEL, PROPERTY, AND FUNCTIONS 19.3

- <sup>16</sup>  
Sec. 420. (a) All personnel employed by the Central 19.7  
Intelligence Agency, on the day before the effective date of this 19.8  
title, and all obligations, contracts, properties, and records 19.9  
employed, held, or used primarily in connection with any function 19.10  
to be performed by the Agency under this title, are transferred 19.11  
to the Director.
- (b) All orders, determinations, rules, regulations, 19.13  
permits, contracts, certificates, licenses, and privileges which 19.14  
have become effective in the exercise of functions transferred 19.15  
under this title and which are in effect on the day before the 19.16  
effective date of this title, shall continue in effect until 19.17  
modified, terminated, superseded, set aside, or repealed by the  
Director, by any court of competent jurisdiction, or by operation 19.18  
of law.
- (c) The provisions of this title shall not affect any 19.20  
proceedings pending before the Central Intelligence Agency as in 19.21  
effect prior to the effective date of this title. 19.22
- (d) No suit, action, or other proceeding begun by or 19.24  
against any officer in his official capacity in the Central 19.25  
Intelligence Agency, as in effect prior to the effective date of 19.26  
this title, shall abate by reason of enactment of this title. 19.27
- (e) With respect to any function transferred by this title 19.29  
and exercised after the effective date of this title, reference 19.30  
in any other Federal law to any department, agency, office, or 19.31  
part thereof shall be deemed to refer to the department, agency, 19.32  
or office in which such function is vested pursuant to this 19.33  
title.

STATUTES SUPERSEDED AND REPEALED

20.2

Sec. 421. Section 102 of the National Security Act of 1947 and the Central Intelligence Agency Act of 1949 are repealed.

20.7

EFFECTIVE DATE

21.2

Sec. 422. <sup>16</sup>This title shall become effective the first day  
of the third calendar month following the month in which it is  
enacted.

21.6

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STATINTL

Approved For Release 2002/05/29 : CIA-RDP85-00759R000100120002-1

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## Redraft of Title II

30 Jan 78

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Statement of Purposes.

Definitions

Direction of the CIA: Duties of the Director

Functions

Agency Powers

Procurement Authority

Authorizations for Appropriations and Expenditures

General Counsel, Inspector General; and other offices.

Conflicts of Interest

Admission of Essential Aliens

Restrictions

Criminal Penalties

Travel, related expenses &amp; death gratuities for certain Agency personnel.

Retirement System

Transfer of personnel, property and functions

Statutes Superseded &amp; repealed

Effective date

402

403

1/30/78

I have gone over this new version and make these observations:

1. Certain sections have been combined and eliminated.
2. Pages reduced from 47 to 29
3. Probably less restrictive
4. Would not inhibit the logistics function from being performed.

1630 hrs 1/30 Called Johnsons Office & told them  
 O.C. had no constructive comment  
 re changes - Acceptable as is

IV

NATIONAL INTELLIGENCE REORGANIZATION AND REFORM ACT OF 1977

TITLE IV -- CENTRAL INTELLIGENCE AGENCY ACT OF 1977

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TITLE IV -- CENTRAL INTELLIGENCE AGENCY

Sec. 401. This title may be cited as the "Central Intelligence Agency Act of 1977."

STATEMENT OF PURPOSES

Sec. 402. It is the purpose of this Act--

(1) to replace the now obsolete provisions of the National Security Act of 1947 governing the intelligence activities of the Central Intelligence Agency and the Central Intelligence Agency Act of 1949, in order to clarify the authorities, functions, and responsibilities of the Central Intelligence Agency;

(2) to authorize the Central Intelligence Agency to perform those foreign intelligence activities which are necessary for the conduct of the foreign relations and the protection of the national security of the United States;

(3) to insure that the foreign intelligence activities of the Central Intelligence Agency are properly directed, regulated, coordinated, and administered, and are organized and conducted so as to meet the foreign intelligence requirements of the United States;

(4) to provide for the appointment of a Director of the Central Intelligence Agency, conferring on him the authority necessary to fulfill the duties and responsibilities prescribed in this title, and making him accountable to the President, the Congress, and the people of the United States; and

(5) to guarantee that foreign intelligence activities of the Central Intelligence Agency are conducted in a manner consistent with the Constitution and laws of the United States and so as not to abridge any right guaranteed or protected by the Constitution or laws of the United States.

DEFINITIONS

Sec. 403. (a) Except as otherwise provided in this section, the definitions in Title I, the National Intelligence Act of 1977, shall apply to this title.

(b) As used in this title--

(1) The term "cover" refers to any means intended to protect the security of an intelligence activity or the safety of an officer, employee, or agent of the United States Government by disguising the true identity or affiliation with the United States Government of such activity, officer, employee, or agent, or of a related corporation or organization.

(2) The term "proprietary" means a sole proprietorship, partnership, corporation or other business entity owned in whole or in part, or controlled, by the Central Intelligence Agency and doing business under private commercial cover in furtherance of a lawful intelligence activity of that Agency.

*RMS  
PD*

ESTABLISHMENT OF CENTRAL INTELLIGENCE  
AGENCY; FUNCTIONS

Sec. 404. (a) There is established under the National Security Council an agency to be known as the Central Intelligence Agency (hereinafter in this title referred to as the "Agency").

(b) It shall be the function of the Agency to--

(1) collect foreign intelligence through overt, clandestine, and technical means;

(2) analyze, produce and disseminate foreign intelligence under the guidance of the Director of National Intelligence;

(3) conduct foreign counterintelligence activities outside the United States;

(4) coordinate with the Federal Bureau of Investigation, in accordance with the provisions of this Act and in accordance with procedures agreed upon by the Attorney General and the Director of National Intelligence, the foreign counterintelligence activities conducted by the Agency within the United States;

(5) conduct such special activities in support of national foreign policy objectives as are directed by the National Security Council and approved by the President; and

(6) conduct for the benefit of other entities of the Intelligence Community such additional services of common concern as are authorized by law and as the Director of National Intelligence determines can be most efficiently accomplished by the Agency.

(c) The functions of the Agency shall be carried out in accordance with the provisions of this Act and under the direction and control of the National Security Council. The activities of the Agency shall be subject to the supervision of the Director of National Intelligence and shall be responsive to intelligence objectives, requirements, and priorities established by that Director.

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DIRECTOR AND DEPUTY DIRECTOR

Sec. 405. (a) There shall be at the head of the Agency a Director of the Central Intelligence Agency (hereinafter in this title referred to as the "Director"). There shall also be a Deputy Director of the Central Intelligence Agency (hereinafter in this title referred to as the "Deputy Director") to assist the Director in carrying out his functions under this Act, who shall act for, and exercise the powers of, the Director during the absence or disability of the Director.

(b) The Director and the Deputy Director shall be appointed by the President, by and with the advice and consent of the Senate, and each shall serve at the pleasure of the President. No person may serve as Director or Deputy Director for a period of more than six years unless such person is reappointed by the President, by and with the advice and consent of the Senate. No person who has served as Director or Deputy Director for a period of less than six years and is subsequently appointed or reappointed to the same office may serve in that office under such appointment or reappointment for a term of more than six years. In no event may any person serve in either or both positions for more than a total of twelve years. At no time shall the two positions of Director and Deputy Director be occupied simultaneously by commissioned officers of the armed forces whether in an active or retired status.

(c) (1) If a commissioned officer of the armed forces is appointed as Director or Deputy Director, then--


(A) in the performance of his duties as Director or Deputy Director he shall be subject to no supervision, control, restriction, or prohibition (military or otherwise) other than would be applicable if he were a civilian in no way connected with the Department of Defense, the military departments, or the armed forces of the United States or any component thereof; and

(3) such officer shall not possess or exercise

than such as he possesses, or is authorized or directed to exercise, as Director or Deputy Director) with respect to the Department of Defense, the military departments, or the armed forces of the United States or any component thereof, or with respect to any of the personnel (military or civilian) of any of the foregoing.

(2) Except as provided in paragraph (1) of this section the appointment to the office of Director or Deputy Director of a commissioned officer of the armed forces, and his acceptance of and service in such an office, shall in no way affect any status, office, rank, or grade he may occupy or hold in the armed forces, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of any such status, office, rank, or grade. Any such commissioned officer shall, while serving in the office of Director or Deputy Director, continue to hold rank and grade not lower than that in which such officer was serving at the time of his appointment.

(3) The grade of any such commissioned officer shall, during any period in which such officer occupies the office of Director or Deputy Director, be in addition to the numbers and percentages authorized and appropriated for the military department of which such officer is a member.

 (4) The Director (when the Director of National Intelligence is not also serving as Director) shall be entitled to the same compensation prescribed by section 5313 of title 5, United States Code, for positions at level II of the Executive Schedule, and the Deputy Director shall be entitled to the same compensation prescribed by section 5314 of title 5, United States Code, for positions at level III of the Executive Schedule. The Director and Deputy Director, whether civilian or military, shall be compensated, while so serving, only from funds appropriated to the Agency.

(5) The Deputy Director shall act in the place of the Director during the absence or disability of the Director or



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during any temporary vacancy in the office of the Director. The Director shall prescribe by regulation what officer of the Agency shall act in the place of the Director in the event that the offices of both the Director and the Deputy Director are temporarily vacant.

(f) Any person holding the office of Director or Deputy Director of the Central Intelligence Agency as such agency existed on the day before the effective date of this title may continue to serve in the corresponding office established by this title until such person or his successor is appointed to that office as provided in this title, but in no event for a period exceeding thirty days after such effective date. In computing the twelve-year limitation prescribed by subsection (b) of this section, any service by a person as Director or Deputy Director of the Central Intelligence Agency as such agency existed on the day before the effective date of this title shall not be included.

DUTIES OF THE DIRECTOR

Sec. 406. (a) It shall be the duty of the Director, under the direction of the Director of National Intelligence and the National Security Council, to--

(1) advise the Director of National Intelligence on such intelligence activities as the Director of National Intelligence may specify;

(2) recommend to the Director of National Intelligence procedures for improving the coordination of intelligence activities among the entities of the Intelligence Community;

(3) insure that the activities of the Agency are conducted in conformity with the Constitution and laws of the United States, and that such activities do not abridge any right guaranteed or protected by the Constitution or laws of the United States;

(4) insure that the activities of the Agency are properly directed, regulated, coordinated and administered, and are organized and conducted so as to meet most efficiently the intelligence requirements promulgated by the Director of National Intelligence;

(5) collect outside the United States, in accordance with requirements prescribed by the Director of National Intelligence, foreign intelligence, including the collection of such intelligence by clandestine means when such intelligence is not publicly available;

(6) within the United States, collect foreign intelligence from publicly available sources and from any person who is willing voluntarily to provide such intelligence, and establish and maintain with foreign persons such contacts as are integrally and exclusively related to the conduct of foreign intelligence activities by the Agency outside the United States;

(7) ensure that the Agency receives promptly any national foreign intelligence collected by any other entity of the Intelligence Community;

(8) produce, analyze, and disseminate under the direction of the Director of National Intelligence, foreign intelligence necessary to meet the needs of the President, the National Security Council, the Congress, and other departments and agencies of the United States Government;

(9) provide to the Director of National Intelligence such support as such Director requires for the production of National Intelligence Estimates and similar Intelligence Community-coordinated analyses;

(10) conduct such special activities in support of national foreign policy objectives as are approved by the President, and ensure that such special activities are carried out in a manner consistent with applicable law;

(11) conduct such liaison with foreign governmental agencies as may be directed by the Director of National Intelligence;

(12) prescribe and implement, in accordance with the provisions of Title II of this Act and with policy guidance from the Director of National Intelligence, security rules, regulations, procedures, and standards for the protection of information and material relating to intelligence activities, including policy guidance for conducting such investigations as are necessary of applicants for employment with the Agency, of employees and contractors of the Agency, and of other persons similarly associated with the Agency;

(13) prepare a proposed budget for the Agency based upon guidance from the Director of National Intelligence and submit that proposed budget to the Director of National Intelligence at such time and in such manner as may be specified by the Director of National Intelligence;

(14) provide appropriate procedures for the proper administration, control, and accounting of all funds made available to the Agency to perform its functions;

(15) reprogram, subject to the approval of the Director of National Intelligence and in accordance with

annual authorization and appropriation Acts, funds made available to the Agency to perform its functions;

(16) conduct such research and development in support of intelligence activities as may be necessary to meet the needs of the Director of National Intelligence and other entities of the Intelligence Community;

(17) provide the Director of National Intelligence and such other entities of the Intelligence Community as that Director designates with such administrative, technical, and support activities as the Director of National Intelligence determines are necessary to carry out that Director's and such entities' legally authorized duties and responsibilities; and

(18) provide the Director of National Intelligence with such information as he may request on the activities of the Agency.

(b) (1) Under the direction of the Counterintelligence Committee and in accordance with provisions of this Act and regulations and policy guidance pursuant thereto, the Director is authorized to conduct the following counterintelligence activities--

(A) collect counterintelligence and engage in other counterintelligence activities outside the United States;

(B) coordinate the collection of counterintelligence and other counterintelligence activities conducted outside the United States by other departments and agencies of the United States;

(C) collect counterintelligence and conduct other counterintelligence activities within the United States, but only if

(i) such activities are first coordinated with the Attorney General; and

(ii) the Attorney General determines that such activities are integrally related to counterintelligence activities conducted by the

Agency outside the United States, or that such activities could not be conducted by the Federal Bureau of Investigation; and

(D) produce and disseminate counterintelligence reports.

(2) All departments and agencies of the United States referred to in clause (B) of paragraph (1) shall keep the Director currently informed of the counterintelligence activities conducted by such departments and agencies outside the United States and shall cooperate with the Director in coordinating such activities with those counterintelligence activities of the Agency and other entities of the Intelligence Community.

(c) (1) The Director is authorized to establish such committees or boards, composed of officers and employees of the United States, as may be necessary to carry out effectively the provisions of this title.

(2) The Director is also authorized to establish such advisory committees as may be necessary to provide expert advice regarding the administration of this title. The provisions of the Federal Advisory Committee Act (36 Stat. 770) shall apply with respect to any advisory committee established by the Director under authority of this section except that the Director may waive the application of any or all of the provisions of such Act when the Director deems such action necessary to the successful performance of the functions of the Agency or to protect the security of the activities of the Agency. Any waiver exercised by the Director under this subsection shall be reported to the committees of the Congress having jurisdiction over matters relating to foreign intelligence activities and the names of all persons appointed to serve on such advisory committees shall be reported to such committees of the Congress.

GENERAL COUNSEL; INSPECTOR GENERAL;  
AND OTHER OFFICES

Sec. 407. (a) There shall be a General Counsel of the Agency appointed by the President, by and with the advice and consent of the Senate. The General Counsel shall serve as the principal legal adviser to the Director and shall have the responsibility and authority to--

(1) review all activities of the Agency and advise the Director whether such activities are in conformity with the Constitution and laws of the United States, executive orders, presidential directives and memoranda, and the rules, regulations, and policies of the Agency;

(2) review all proposed rules and regulations of the Agency, including but not limited to any rule or regulation proposed to implement the provisions of this Act, to insure that any such rule or regulation is in conformity with the Constitution and laws of the United States, executive orders, and presidential directives and memoranda; and

(3) perform the duties assigned to the General Counsel of each entity of the Intelligence Community by section 123 of this Act.

(b) There shall be an Inspector General of the Agency appointed by the Director. The Inspector General shall have the responsibility and authority to--

(1) investigate all activities of the Agency to determine in what respects the Agency may more effectively perform its lawful functions and to determine the facts and circumstances of any alleged wrongdoing;

(2) advise the Director and the General Counsel of the Agency of his findings regarding such activities;

(3) perform the duties assigned to the Inspector General of each entity of the Intelligence Community by section 123 of this Act;

(4) perform such other investigations as the Director deems necessary and appropriate subject to the provisions of this Act; and

(5) perform such other duties as the Director may prescribe.

(c) (1) Subject to the provisions of paragraph (2), the Director may appoint such other subordinate officials to assist him in the performance of his duties as he deems appropriate.

(2) Executive schedule positions within the Agency in addition to those of Director, Deputy Director, General Counsel, and Inspector General and any positions in the grades of GS-16, GS-17, and GS-18 other than those transferred to the Agency under this Act shall be as authorized by law.

(3) Section 5316 of title 5, United States Code, is amended by adding at the end thereof:

"(144) General Counsel, Central Intelligence Agency.  
(145) Inspector General, Central Intelligence Agency.".

AGENCY POWERS

Sec. 408. (a) In carrying out its functions under this Act, the Agency is authorized to--

(1) transfer to and receive from other departments and agencies for the sole purpose of carrying out functions authorized by this title, such sums of money as may be approved by the Director of National Intelligence and the Director of the Office of Management and Budget, and sums so transferred to the Agency may be expended by the Agency without regard to limitations on appropriations from which transferred but only when the Director certifies in writing that such limitation would unduly impede the performance of a function authorized by this title and transmits such written certification to the appropriate committees of the Congress;

(2) exchange funds without regard to the provisions of section 3651 of the Revised Statutes (31 U.S.C. 543);

(3) reimburse other departments and agencies for the services of personnel assigned or loaned to the Agency;

(4) authorize couriers and guards designated by the Director to carry firearms when engaged in transporting classified or sensitive documents or materials affecting the national security;

(5) rent any premises necessary to carry out any functions of the Agency authorized under this Act, and make alterations, improvements, and repairs to premises of the Agency without regard to any limitation prescribed by law if the Director (A) certifies to the Director of National Intelligence that a waiver of the limitation otherwise applicable to the renting, alteration, improvement, or repair, as the case may be, of premises is necessary to the successful performance of the Agency's functions or the security of its activities, and (B) promptly notifies the committees of Congress having jurisdiction over the Agency of the waiver and of the reasons for exercising such waiver;

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(6) appoint such personnel as it deems advisable, without regard to the provisions of title 5, United States Code, governing appointments in the competitive services, and fix the compensation of such personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title, relating to classification and General Schedule pay rates, but at rates not in excess of the rate authorized for GS-18 by section 5332 of that title;

(7) establish, maintain, and operate secure communications systems in support of Agency operations and, as a service of common concern, establish, maintain, and operate such secure communications systems as may be required for the use of other departments and agencies;

(8) establish, furnish, and maintain secure cover for Agency officers, employees, and agents. The Agency may not use for these purposes an affiliation, real or ostensible, with any religious organization, any United States media organization, any charitable or educational foundation, any university or college, or any United States Government program designed to promote education, the arts, humanities, or cultural affairs, but may use an affiliation, real or ostensible, with any other cooperating private individual, business or organization. The Agency may also use for these purposes any department or agency, except the Peace Corps, when the head of such department or agency concurs.

(9) establish and operate proprietaries to support Agency operations.

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(b) Notwithstanding the provisions of section 3678 of the Revised Statutes (31 U.S.C. 628) or any provision of law enacted after the effective date of this title, unless such subsequently enacted provision expressly cites this subsection, any department or agency may transfer to or receive from the Agency any sum of money approved by the Director of National Intelligence and the director of the Office of Management and Budget for use in carrying out any function authorized by this title.

(c) Notwithstanding any other provision of law, any department or agency is authorized to assign or loan to the Agency any officer or employee of such department or agency to assist the Agency in carrying out any function of the Agency authorized by this title. In any case in which any officer or employee of another department or agency is assigned or loaned to the Agency and the assignment or loan of such officer or employee would be prohibited except for this subsection, the Agency shall report the details of such assignment or loan to the appropriate committees of the Congress and shall continue to report thereon to such committees at least once every 90 days so long as such assignment or loan to the Agency continues.

(d) (1) Any proprietary established and operated by the Agency may be operated on a commercial basis to the extent necessary to provide effective cover. Any funds generated by any such proprietary in excess of the amount necessary for its normal operational requirements shall be deposited by the Director into miscellaneous receipts of the Treasury.

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(2) Whenever any such proprietary is to be liquidated, sold, or otherwise disposed of, the Agency shall, as much in advance of the liquidation, sale, or other disposition of the proprietary as practicable and subject to such security standards as the Director and Attorney General shall agree upon, report the circumstances of the intended liquidation, sale, or other disposition to the Attorney General and the Comptroller General of the United States. Any proceeds from any such liquidation, sale, or other disposition shall be deposited by the Director into miscellaneous receipts of the Treasury.

(e) The authority contained in clauses (8) and (9) of subsection (a) shall be available to the Agency notwithstanding any other provision of law and shall not be modified, limited, suspended, or superseded by any provision of law enacted after the effective date of this title unless such provision expressly cites the specific provision of subsection (a) intended to be so modified, limited, suspended, or superseded.

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(f) The Agency may continue to use the seal of office used by the Central Intelligence Agency prior to the effective date of this title and judicial notice shall be taken of such seal.

## PROCUREMENT AUTHORITY

Sec. 409. (a) The Agency is authorized to procure such property, services, equipment and facilities as may be necessary to carry out its functions under this title. The provisions of chapters 137 and 139 of title 10, United States Code, relating to the procurement of property, services, and research and development activities, shall apply to the procurement of property and research and development activities by the Agency under this title in the same manner and to the same extent such chapters apply to the procurement of property, services, and research and development activities by the agencies named in section 2302(a) of chapter 137 of title 10, except that the Director is authorized, with the approval of the Director of National Intelligence, to waive the application of any or all of the provisions of chapters 137 and 139 of title 10 when the Director deems such action necessary to the successful performance of any function of the Agency or to protect the security of activities of the Agency. Any waiver exercised by the Director under this section shall be reported to the committees of the Congress having jurisdiction over the Agency together with the reasons for exercising such waiver.

(b) The Agency is further authorized to procure property, goods, or services in such a manner that the role of the Agency is not apparent or publicly acknowledged if public knowledge that the Agency is the procurer of the property, goods, or services will significantly inhibit or interfere with the secure conduct of an authorized Agency function. The procurement authority provided under this subsection may be exercised by the Agency notwithstanding any other provision of law and shall not be modified, limited, suspended, or superseded by any provision of law enacted after the effective date of this title unless such provision expressly cites this subsection.

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AUTHORIZATIONS FOR APPROPRIATIONS AND EXPENDITURES

Sec. 410. (a) Notwithstanding any other provision of law, sums made available to the Agency by appropriation or otherwise may be expended for purposes necessary to carry out the lawful functions of the Agency, including--

(1) supplies, equipment, and personnel and contractual services otherwise authorized by law or regulation, when approved by the Director;

(2) personal services, including personal services without regard to limitations on types of persons to be employed, and rent at the seat of government and elsewhere; lease of buildings to the Government without regard to the limitations prescribed in section 322 of the Act entitled "An Act making appropriations for the Legislative Branch of the Government for the fiscal year ending June 30, 1933, and for other purposes", approved June 30, 1932 (40 U.S.C. 278a); health-service programs as authorized by section 7901 of title 5, United States Code; rental of news-reporting services; purchase or rental and operation of photographic reproduction, cryptographic, duplication and printing machines, equipment, and devices, and radio-receiving and radio-sending equipment and devices, including telegraph and teletype equipment; purchase, maintenance, operation, repair, and hire of passenger motor vehicles, aircraft, and vessels of all kinds; subject to policies established by the Director, transportation of officers and employees of the Agency in Government-owned automotive equipment between their domiciles and places of employment where such personnel are engaged in work which makes such transportation necessary, and transportation in such equipment, to and from school, of children of Agency personnel who have quarters for themselves and their families at isolated stations outside the continental United States where adequate public or private transportation is not available; printing and binding; purchase, maintenance, and cleaning of firearms, including purchase, storage, and

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maintenance of ammunition; subject to policies established by the Director, expenses of travel in connection with, and expenses incident to attendance at meetings of professional, technical, scientific, and other similar organizations when such attendance would be a benefit in the conduct of the work of the Agency; association and library dues; settlement and payment of claims of civilian and military personnel, as prescribed in Agency regulations consistent with the terms and conditions by which claims are settled and paid under the Military Personnel and Civilian Employees' Claims Act of 1964 (31 U.S.C. 240-243); acquisition, construction and alteration of buildings and facilities without regard to the Public Buildings Act of 1959 (40 U.S.C. 601-615); and repair, rental, operation, and maintenance of buildings, utilities, facilities, and appurtenances; but no funds may be expended for activities which have not been authorized by a law enacted during the same or immediately preceding fiscal year, except that this limitation shall not apply to funds appropriated by any continuing resolution.

(b) (1) The Director may expend any funds appropriated or transferred to the Agency for the purpose of meeting emergency and extraordinary expenses. The expenditure of such funds for such purposes shall be accounted for solely on the certificate of the Director and every such certificate shall be deemed a sufficient voucher for the amount certified therein, but such expenditures may only be for activities authorized by law. The Director shall report all expenditures made under authority of this subsection on a quarterly basis to the Committees on Appropriation of the Senate and House of Representatives, and to all other committees of the Congress having jurisdiction over the Agency.

(c) All funds made available to the Agency, all activities of the Agency, and information relating thereto, shall be subject to financial and program management audit and review by the Comptroller General of the United States upon the request of, or

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With the approval of, any committee of the Congress having jurisdiction over the Agency, except that any funds expended for any particular activity, and the activity for which such funds are expended, may be exempted by the Director of National Intelligence from such audit and review if the Director of National Intelligence (1) determines such exemption to be essential to protect the security of the United States, (2) notifies the committees of the Congress having jurisdiction over the Agency of such exemption and the reasons for granting it, and (3) reports quarterly to the committees of the Congress having jurisdiction over the Agency on each activity exempted under this subsection. Any audit or review conducted by the Comptroller General of the United States under authority of this subsection shall be conducted in accordance with such security standards as the Director of National Intelligence and the committee requesting or approving audit or review shall agree to and prescribe. Information resulting from any such audit or review shall be available in the Congress only to the committees of the Congress authorized herein to request such audit or review, except as provided under section 123 of this Act.

OVERSIGHT AND ACCOUNTABILITY

Sec. 411. (a) Pursuant to section 535 of title 28, United States Code, and the provisions of this title, the Director shall (1) report to the Attorney General, the Director of National Intelligence, and the Intelligence Oversight Board, immediately upon discovery, any intelligence activity which constitutes or is likely to constitute a violation of any law, executive order, presidential directive, or presidential memorandum, or any evidence of possible violation of Federal law by any officer or employee of the Agency, (2) notify, in a timely manner, the committees of the Congress having jurisdiction over the Agency that the Attorney General, the Director of National Intelligence, and the Intelligence Oversight Board have been notified pursuant to this paragraph, and (3) report to the Attorney General any evidence of possible violation by any other person of any Federal law specified in guidelines issued by the Attorney General pursuant to section 123 (i)(2)(D) of this Act.

(b) The Director, the General Counsel, and the Inspector General of the Agency shall be responsible for reporting to the Intelligence Oversight Board and the Director of National Intelligence any intelligence activity coming to their respective attention that raises questions of legality or propriety.

(c) It shall be the duty of the Director to keep the committees of the Congress having jurisdiction over the Agency fully and currently informed of all the Agency's activities, including any significant anticipated activity which is the responsibility of or is to be conducted by the Agency, but the foregoing provision shall not be construed as requiring the approval of any committee of the Congress prior to the initiation of any such anticipated activity.

(d) The Director shall furnish any information or material in the possession, custody, or control of the Agency or in the possession, custody, or control of any person paid by the Agency whenever requested by any committee of the Congress having jurisdiction with respect to such information or material.



(e) It shall be the duty of the Director to report to the committees of the Congress having jurisdiction over the Agency, in a timely manner, any intelligence activity of the Agency or any of its employees which constitutes a violation of any right guaranteed or protected by the Constitution or laws of the United States, or which constitutes a violation of any Federal law, executive order, presidential directive or presidential memorandum. The Director shall also transmit annually to the committees of Congress having jurisdiction over the Agency a written certification that the intelligence activities of the Agency have been conducted during the previous year so as not to violate any right guaranteed or protected by the Constitution or laws of the United States except for those the Director has reason to believe were not so conducted and which the Director identifies and describes for such committees.

(f) Any employee of the Agency having any information on any past, current, or proposed intelligence activity which appears to be a violation of the Constitution or laws of the United States, or of any executive order, presidential directive, presidential memorandum, or rule or regulation of the Agency, or which appears to be improper or in violation of Agency policy shall be required to report such information immediately to the Director, General Counsel, or Inspector General of the Agency. Whenever any such information is reported to the General Counsel or the Inspector General, such officer shall report such information to the Director. If the matter is not initially reported to the General Counsel of the Agency, he shall be notified by the Director or Inspector General. The Director shall regularly, but not less than once a year, notify employees of the Agency of their obligation to report such information and the necessity for cooperating fully with the Intelligence Oversight Board and the Attorney General.

(g) The Inspector General and General Counsel of the Agency are authorized, in extraordinary circumstances, and if requested to do so by an employee of the Agency providing any information to the Inspector General or General Counsel, to submit such

information directly to the Attorney General, the Director of National Intelligence or the Intelligence Oversight Board, and to notify the committees of the Congress having jurisdiction over the Agency without informing the Director of such action.

(n) Nothing in this section shall prohibit any employee of the Agency from reporting any information described in subsection (f) directly to the Attorney General, the Director of National Intelligence, or the Intelligence Oversight Board, or the committees of Congress having jurisdiction over the Agency. The Attorney General shall take all steps necessary to insure that no employee who communicates such information in such a fashion shall be subject, on account of the reporting of such information, to discipline through dismissal, demotion, transfer, suspension, reassignment, reprimand, admonishment, reduction-in-force, or other adverse personnel action, or the threat thereof.

(i) The Director shall insure that the General Counsel and the Inspector General have access to any information necessary to perform their duties under this title. The Director shall be required to provide to the Attorney General, the Director of National Intelligence, the Intelligence Oversight Board, and to the committees of the Congress having jurisdiction over the Agency an immediate explanation, in writing, of any instance in which the Inspector General or the General Counsel of the Agency are denied access to information, instructed not to report to the Intelligence Oversight Board on a particular activity, or are denied authority to investigate a particular activity.

(j) The Director shall submit to the committees of the Congress having jurisdiction over the Agency, at least once a year, a report which includes--

(1) a review of the intelligence collection activities and special activities conducted by the Agency, including all research and development in support of such activities;

(2) a summary of all Agency activities that raise questions of legality or propriety and the General Counsel's and Inspector General's findings concerning such activities;

(3) a summary of the Agency's use of proprietaries during the preceding year, including an identification of each such proprietary, a description of the nature and function of each such proprietary, the results of any Agency audit of any such proprietary, the fiscal impact of proprietaries on the Agency budget, a list of all Agency interventions with other departments and agencies on behalf of each such proprietary, and a description of the manner in which any such proprietary was liquidated, sold, or otherwise disposed of by the Agency;

(4) a discussion of the major legal problems facing the Agency; and

(5) recommendations for any needed legislation.

(k) It shall be the duty of the Director to maintain a complete record of all legal authorities, published regulations, and published instructions pertaining to the activities of the Agency.

A complete copy of such record shall be stored in the Office of the Federal Register, National Archives and Records Service, General Services Administration, under security standards approved by the Director of National Intelligence.

(l) It shall be the duty of the Director to maintain a full and complete record pertaining to the activities of the Agency.

(m) It shall be the duty of the Director, to the maximum extent practicable and consistent with guidelines established by the Administrator of General Services, to provide for the necessary destruction of Agency records at regular periodic intervals. No record regarding the activities of the Agency may be destroyed unless the Director has given written notification

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to the committees of Congress having jurisdiction over the Agency at least 60 days prior to the time fixed for the destruction of such records and a description of the records proposed to be destroyed at that time.

(n) It shall be the duty of the Director to provide the committees of the Congress having jurisdiction over the Agency with a copy of all rules, regulations, procedures, and directives issued by the Director to implement the provisions of this title and to notify such committees, in a timely fashion, of any waivers of such rules, regulations, directives, or procedures, and the facts and circumstances of each such waiver.

RELATIONSHIPS WITH OTHER GOVERNMENT AGENCIES

Sec. 412. (a) In addition to those activities of the Agency which relate to other departments and agencies and which are authorized in other provisions of this Act, the Agency is further authorized to--

(1) cooperate with Federal, State, or local law enforcement agencies for the purpose of protecting personnel and facilities of the Agency against espionage or other criminal activity;

(2) seek assistance from State and local law enforcement agencies in the conduct of background and security investigations of applicants for employment with the Agency, employees and contractors of the Agency, and other persons similarly associated with the Agency;

(3) for the purpose of improving the Agency's ability to perform its lawful duties and responsibilities with respect to international terrorist activities, request from the Law Enforcement Assistance Administration and from Federal, State, and local law enforcement agencies information on methods and techniques employed by individuals in terrorist activities within the United States and on equipment and techniques used by such agencies to prevent or counter such terrorist activities;

(4) provide technical guidance, training, and equipment to components of the Department of Defense engaged in lawful intelligence activities;

(5) provide technical equipment to the Drug Enforcement Administration for use outside the United States;

(6) provide technical information to the United States Postal Service to assist in preventing the use of the mails for any criminal activity or for any activity which would endanger human life;

(7) assist the United States Secret Service in the performance of that service's protective duties;

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(8) when extraordinary circumstances indicate that a foreign person associated with the Agency should enter or leave the United States under other than such person's true identity, notify the Immigration and Naturalization Service of those circumstances and request a waiver of otherwise applicable rules and procedures;

(9) when the Internal Revenue Service is auditing the tax returns of an Agency proprietary or of an individual operating under Agency cover, notify the Internal Revenue Service of such proprietary's or individual's affiliation with the Agency and request that the audit be so conducted as to avoid public disclosure of that affiliation; and

(10) maintain normal liaison relationships with other departments and agencies .

(b) The Director shall report annually to the committees of Congress having jurisdiction over the Agency on significant Agency relationships with other departments and agencies of Federal, State, and local government during the preceding year under authority of this section.

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CONFLICTS OF INTEREST

Sec. 413. Officers and employees of the Agency shall be subject to all laws, regulations, executive orders and directives relating to conflicts of interest and the misuse of information obtained in the course of their official duties, and the Director, subject to policy guidance of the Attorney General, shall issue regulations necessary to implement such laws, regulations, executive orders and directives. Notwithstanding the foregoing sentence, the Director is authorized to waive the application of any such law, regulation, executive order or directive when he deems such action necessary because of the unique function and mission of the Agency, but such a waiver may be granted by the Director in any case only with the written approval of the Attorney General and only after the Director has notified the committees of the Congress having jurisdiction over the Agency that such waiver is to be made and the reasons therefor.

ADMISSION OF ESSENTIAL ALIENS

Sec. 414. Whenever the Director, the Attorney General, and the Commissioner of Immigration shall determine that the entry of a particular alien into the United States for permanent residence is in the interest of national security or essential to national intelligence activities, such alien and his immediate family shall be given entry into the United States for permanent residence without regard to their inadmissibility under, or their failure to comply with, any immigration law of the United States or any other law or regulation, but in no case may the number of aliens and members of their immediate families who enter the United States under the authority of this section exceed one hundred in any one fiscal year.



RESTRICTIONS

Sec. 415. (a) The authorities, duties, and responsibilities established in this Title are subject to the restrictions of sections 115-119 and Title II of this Act.

(b) The Agency shall have no police, subpoena, or law enforcement powers, nor perform any internal security or criminal investigation functions except to the extent expressly authorized by this Act.

CRIMINAL PENALTIES

Sec. 416. (a) Any person who knowingly communicates, furnishes, or otherwise makes available to any unauthorized person, or publishes, or causes to be published, the true identity of any officer or employee of the Agency who is performing Agency functions under cover in a manner which results in injury to or seriously jeopardizes the safety of such officer or employee, or as could reasonably have been expected to result in injury to or jeopardize the safety of such officer or employee, shall be fined not more than \$20,000 or imprisoned not more than ten years, or both.

(b) Section 207 of title 18, United States Code, is amended by adding the following subsection:

"(d) Whoever, having been an officer or employee of the Central Intelligence Agency and after his employment with such Agency has ceased, knowingly participates in the liquidation, sale, or other disposition of a proprietary of such Agency, either on his own behalf or as an agent or attorney for anyone other than the United States, shall be fined not more than \$10,000 or imprisoned for not more than two years, or both. As used in this subsection, the term 'proprietary' shall have the same meaning as prescribed in section 403 of the National Intelligence Reorganization Act of 1977."

TRAVEL, RELATED EXPENSES, AND DEATH GRATUITIES FOR CERTAIN AGENCY PERSONNEL

Sec. 417. (a) Definitions. As used in this section--

(1) the term "employees" means personnel employed by and assigned to duty with the Agency, but excludes persons working under contract and persons who when hired are resident in or citizens of the country of the duty station at which they are to be employed, unless specifically included.

(2) the term "foreign area" means all duty stations not in the United States.

(3) the term "United States" means the several states, the District of Columbia, the Commonwealth of Puerto Rico, the Territory of the Virgin Islands, and the Canal Zone, but excluding Guam and all other territories of the United States.

(4) the term "continental United States" means the 48 contiguous States and the District of Columbia.

(b) Under such regulations as the Director of National Intelligence may prescribe, the Agency, with respect to its employees assigned to duty stations in foreign areas, or within other geographical areas when so indicated shall--

(1) pay the travel expenses of employees of the Agency, including expenses incurred while traveling pursuant to authorized home leave;

(2) pay the travel expenses of members of the family of an employee of the Agency when proceeding to or returning from his post of duty; accompanying him on authorized home leave; or otherwise traveling in accordance with authority granted pursuant to the provisions of this title or any other provision of law;

(3) pay the cost of transporting the furniture and household and personal effects of an employee of the Agency to his successive posts of duty and, on the termination of his services, to his residence at time of appointment or to a point not more distant, or, upon retirement, to the place where he will reside, but such transportation must be

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completed within 12 months from the date of retirement unless the Director determines that the employee was unable, because of illness or other good cause, to make the necessary preparations for such transportation, in which case he may grant an extension of six months;

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(4) pay the cost of packing and unpacking, transporting to and from a place of storage, and storing the furniture and household and personal effects of an employee of the Agency when he is absent from his post of assignment under orders, or when he is assigned to a post to which he cannot take or at which he is unable to use such furniture and household and personal effects, or when it is in the public interest or more economical to authorize storage; but in no instance shall the weight or volume of the effects stored together with the weight or volume of the effects transported exceed the maximum limitations fixed by Agency regulations when such limitations are not fixed by law;

(5) pay the cost of packing and unpacking, transporting to and from a place of storage, and storing the furniture and household and personal effects of an employee of the Agency in connection with assignment or transfer to a new post, from the date of his departure from his last post or, in the case of a new employee, from the date of his departure from his place of residence, and for not to exceed 90 days after arrival at the new post or until the establishment of residence quarters, whichever is shorter; and in connection with separation of an employee of the Agency, the cost of packing and unpacking, transporting to and from a place of storage, and storing for a period not to exceed 90 days, his furniture and household and personal effects; but in no instance shall the weight or volume of the effects transported exceed the maximum limitations fixed by Agency regulations when such limitations are not fixed by law;

(6) pay the travel expenses and transportation costs (including costs of the necessary temporary storage of

replacement for such motor vehicle, one additional motor vehicle of any such employee stationed in a foreign area may be so transported during such period if the Director (A) determines in advance that such replacement is necessary for reasons beyond the control of the employee and is in the interest of the Government, and (B) approves such transportation in advance;

(10) pay the cost of transporting a replacement vehicle for the motor vehicle of any employee of the Agency who has remained on continuous service in a foreign area after the expiration of a four-year period following the date transportation was last provided under this section for a motor vehicle for such employee;

(11) establish a medical or dental facility and provide for the services of medical or dental personnel at a post in a foreign area or Alaska at which sufficient personnel are employed to warrant such a facility and personnel, but only if the Director determines that it is not feasible to use an existing medical facility;

(12) in the event of illness or injury requiring the hospitalization of a full-time employee of the Agency or member of the family of such an employee of the Agency, not the result of vicious habits, intemperance, or misconduct, incurred while on assignment in a foreign area or Alaska, in a locality where there does not exist a suitable hospital or clinic, pay the travel and transportation expenses of such employee, or member of his family by whatever means the Director shall deem appropriate and without regard to the Standardized Government Travel Regulations and section 5731(a) of title 5, United States Code, to the nearest locality where a suitable hospital or clinic exists, pay a per diem for up to 30 days when such travel does not involve hospitalization, and on his recovery pay for the travel expenses of his return to his post of duty or to such other post as may in the meantime have become the post to which such employee has been reassigned; and if the employee or

property) incident to the removal to any geographical location deemed a necessary safehaven by the Director, of any employee of the Agency, his family, and his furniture and household and personal effects, including any automobile, from a post at which, because of the prevalence of disturbed conditions, there is imminent danger to life and property, and the return of such persons, furniture, and effects to such post upon cessation of such conditions; or to such other post as may in the meantime have become the post to which such employee has been assigned;

(7) charge expenses in connection with travel of any employee, members of his family, and transportation of their household goods and personal effects, involving a change of permanent station, to the appropriation for the fiscal year current when any part of either the travel or transportation pertaining to the transfer begins pursuant to previously issued travel and transfer orders, notwithstanding the fact that such travel or transportation may not all be effected during such fiscal year or that the travel and transfer orders may have been issued during the prior fiscal year;

(8) order to the United States on home leave each employee of the Agency who was a resident of the United States at time of employment upon completion of eighteen months continuous service abroad or as soon as possible thereafter;

(9) notwithstanding the provisions of any other law, transport for or on behalf of an employee of the Agency stationed outside the continental United States, a privately owned motor vehicle in any case in which it shall be determined that water, rail, or air transportation of the motor vehicle is necessary or expedient for all or any part of the distance between points of origin and destination, and pay the costs of such transportation; but not more than one motor vehicle of any officer or employee of the Agency may be transported under authority of this clause during any continuous four-year period abroad, except that, as a

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member of his family is too ill or too young to travel unattended, the Director may also pay the travel expenses of an attendant or attendants;

(13) in the event of illness or injury requiring hospitalization of an employee of the Agency, not the result of vicious habits, intemperance, or misconduct on his part, incurred in the line of duty while such person is assigned to a foreign area, pay for the cost of the treatment of such illness or injury at a suitable hospital or clinic;

(14) in the event a member of the family of an employee of the Agency who is assigned outside the continental United States incurs an illness or injury while such member of the family is located outside the continental United States, which requires hospitalization or similar treatment, and which is not the result of vicious habits, intemperance, or misconduct on his part, pay for that portion of the cost of treatment of each such illness or injury that exceeds \$35 up to a maximum limitation of 120 days of treatment for each such illness or injury, except that such maximum limitation shall not apply whenever the Director, on the basis of professional medical advice, determines that such illness or injury clearly is due in substantial part to the fact that such member of the family is or has been located outside the continental United States;

(15) make payments for the costs of medical or hospital care under clauses 12, 13, and 14 above only insofar as such costs would not otherwise be payable under the terms of a health benefits plan approved by the Director available to the employees of the Agency and to which the Agency contributes under the provisions of chapter 39 of title 5, United States Code;

(16) provide the benefits under clauses (12) through (14) beyond the date of death or separation of an employee of the Agency, so long as entitlement to such benefits initially occurred prior to the death of the employee;

(17) pay the costs of periodic physical examinations of employees of the Agency and for the costs of administering inoculations or vaccinations to such employees; and pay the cost of providing the same services to the members of the family of such employees when such members accompany such employees to foreign areas where no other sufficient United States governmental medical facilities are available;

(18) pay the costs of preparing, transporting and escorting the remains of any employee of the Agency, or a member of his family who may die while in official travel status or while assigned at any duty station, and the transportation costs of dependents and household goods to his former home in the United States or a place not more distant;

(19) pay the costs of travel of any new employee of the Agency and members of such employee's family, and the transportation of their household goods and personal effects, from places of actual residence at the time of appointment, regardless of location, to places of employment, regardless of location, and, upon separation, return to their actual residences at the time of appointment or a point not more distant; but the costs of such travel and transportation shall be paid only if such new employee agrees in writing to remain in the employ of the United States Government for a period of not less than 24 months from the time such employee is sent to a duty station in a foreign area unless separated from employment for reasons beyond such employee's control which are acceptable to the Agency, and any violation of such agreement by an employee for personal convenience or because of separation for misconduct shall bar the return payment (the costs of travel and transportation to the place of employment are payable whether or not the individual selected has been appointed at the time of travel and transportation);



(20) pay the cost of the travel expenses of employees of the Agency who are United States persons and members of their families, while serving at posts specifically designated by the Director for purposes of this clause, for rest and recuperation to other locations which are designated by the Director and are no further from the duty post than is the continental United States, having different environmental conditions than those at the post at which such employees are serving; but such travel expenses shall be limited to the cost for each employee and members of his family of one round trip of less than first class during any continuous two-year tour unbroken by home leave and two round trips of less than first class during any continuous three-year tour unbroken by home leave;

(21) pay the travel expenses of any employee of the Agency for up to two round trips each year for purposes of family visitation in situations where the family of the employee is officially precluded from accompanying such employee to, or has been ordered evacuated from, his assigned post because of danger from hostile activity or other hardship conditions, as determined by the Director, except that, with respect to any such employee whose family is located in a foreign area or in a remote area of Alaska designated in regulations by the Director, the Director may authorize such additional trips as he deems appropriate not to exceed the equivalent cost of two round trips of less than first class to the District of Columbia;

(22) pay the travel expenses of employees stationed or in an official travel status in a foreign area or in Alaska (or members of employees' families who are located in a foreign area or in Alaska), for purposes of family visitation in emergency situations involving a critical illness or death involving a spouse, parent, or child (as defined in section 8101, title 5, United States Code), but the facilities of the Military Airlift Command shall be

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(1) set-off against accrued pay, retirement credit, or other amount due such person or his estate,

(2) a deduction from any amount due such person from the United States, or

(3) such other method as is authorized by law, unless the Director or his designee determines that recovery of any such sum will not be in the best interests of the United States.

(f) The Agency may, when the Director shall find it to be in the best interests of the Government to do so as a means of eliminating transportation costs, provide assigned persons with basic household furnishings and equipment for use on a loan basis in personally owned or leased residences in foreign areas or in remote areas of Alaska.

(g) Under such regulations as the Director may prescribe, the Agency, with respect to its employees assigned to duty stations in the United States, may waive the applications of the provisions of sections \_\_\_\_ and \_\_\_\_ of Public Law 89-516 for certain employees when the Director deems that the official change of station involved is of such a limited duration as to warrant the waiver.

(h) Death Gratuities for Certain Agency Employees

Under such regulations as the Director may prescribe, the Agency is authorized to provide for payment of a gratuity to surviving dependents of any Agency employee, including any appointed foreign national employee of the Foreign Broadcast Information Service, who dies (or upon a finding of death under section 5565, title 5, United States Code) as a result of injuries sustained in the performance of duty in a foreign area or the Canal Zone in an amount equal to one year's salary at the time of death. A death gratuity payment shall be made under this subsection only if the survivors entitled to payment under this subsection are entitled to elect monthly compensation under section 3133, title 5, United States Code because the death resulted from an injury (excluding a disease proximately caused by the employment) sustained in the performance of duty, without

regard to whether such survivor elects to waive compensation under such section 8133. Any death gratuity payment made under this subsection shall be held to have been a gift and shall be in addition to any other benefit payable from any source. A death gratuity payment under this subsection shall be made as follows: (1) first, to the widow or widower; (2) second, to the child, or children in equal shares, if there is no widow or widower; and (3) third, to the dependent parent, or dependent parents in equal shares if there is no widow, widower or child. If there is no survivor entitled to payment under this subsection, no payment shall be made. As used in this subsection, the terms "widow", "widower", "child", and "parent" shall have the same meaning given each such term under section 8101, title 5, United States Code.

(i) (1) Whenever the President determines that it would be appropriate for the purpose of maintaining conformity between provisions of law relating to travel and related expenses and death gratuities of the Foreign Service of the United States and provisions of law relating to travel and related expenses and death gratuities of employees of the Agency, he may, by Executive order, extend to Agency employees, a provision of law enacted after January 1, 1976, which:

(A) amends part B, subchapter IX, chapter 14, title 22, United States Code, or

(B) amends section 2679a, chapter 38, title 22, United States Code, or

(C) otherwise affects provisions of law relating to travel and related expenses or death gratuities of the Foreign Service.

Any such order shall extend such provision of law so that such provision applies in like manner with respect to Agency employees. Any such order shall have the force and effect of law and may be given retroactive effect to a date not

earlier than the effective date of the corresponding provision of law relating to Foreign Service personnel.

(2) Any provisions of an Executive order issued pursuant to this subsection shall modify, supersede, or render inapplicable, as the case may be, to the extent inconsistent therewith--

(A) all provisions of law enacted prior to the effective date of the provisions of such Executive order, and

(B) any prior provision of any Executive order issued under authority of this section.

(3) An Executive order under this subsection may not become effective until 60 days after the President submits the proposed order to those committees of the Senate and House of Representatives having jurisdiction over the subject matter of the order.

#### RETIREMENT SYSTEM

Sec. 418. Employees of the Agency shall participate in the regular Federal civil service retirement system pursuant to subchapter III of chapter 83 of title 5, United States Code. The Director may, however, continue to designate for participation in the Central Intelligence Agency Retirement and Disability System, authorized by the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (78 Stat. 1043; 50 U.S.C. 403 note), certain employees of the Agency whose duties are either (1) in support of Agency activities abroad and are highly hazardous to life or health or (2) so specialized as to be clearly distinguishable from normal government employment; but the number of employees of the Agency which may retire on an annuity under such system in any period may not exceed the limits prescribed by law.

DISCLOSURE OF INFORMATION

Sec. 419. Subject to the provisions of section 412(o) of this Act, no provision of law shall be construed to require the Director or any other officer or employee of the United States to disclose the organization, function, name, official title, or salary of any person employed by the Agency, or the number of persons employed by the Agency, unless such provision specifically requires such disclosure and expressly cites this section.

TRANSFER OF PERSONNEL, PROPERTY, AND FUNCTIONS

Sec. 420. (a) All personnel employed by the Central Intelligence Agency, as in effect on the day before the effective date of this title, and all obligations, contracts, properties, and records employed, held, or used primarily in connection with any function to be performed by the Agency under this title, are transferred to the Director.

(b) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges which have become effective in the exercise of functions transferred under this title and which are in effect on the day before the effective date of this title, shall continue in effect until modified, terminated, superseded, set aside, or repealed by the Director, by any court of competent jurisdiction, or by operation of law.

(c) The provisions of this title shall not affect any proceedings pending before the Central Intelligence Agency as in effect prior to the effective date of this title.

(d) No suit, action, or other proceeding begun by or against any officer in his official capacity in the Central Intelligence Agency, as in effect prior to the effective date of this title, shall abate by reason of enactment of this title.

(e) With respect to any function transferred by this title and exercised after the effective date of this title, reference in any other Federal law to any department, agency, office, or part thereof shall be deemed to refer to the department, agency, or office in which such function is vested pursuant to this title.



STATUTES SUPERSEDED AND REPEALED

Sec. 421. (a) Section 102 of the National Security Act of 1947 and the Central Intelligence Agency Act of 1949 are repealed.

(b) Section 662 of the Foreign Assistance Act of 1961, as amended, is repealed.

EFFECTIVE DATE

Sec. 422. This title shall become effective the first day of the third calendar month following the month in which it is enacted.